

Appendix D
Butte March 13, 2018 Oil and Gas Lease Sale EA
Response to Comments

Scoping Comments submitted from:

1. Diamond 4 Ranch at Wallrock LLC (Younkin)
2. Lawellin, Sherry
3. Mackenzie, Peter and Anne (Knuchel)
4. Center for Biological Diversity
5. MT Fish, Wildlife, and Parks
6. US Army Corps of Engineers
7. US Fish and Wildlife Service

EA Comments submitted from:

1. Blackfeet Tribe
2. Center for Biological Diversity, with Wild Earth Guardians
3. Earth Justice, with Northern Plains Resource Council, David Katz, and Jack and Bonnie Martinell
4. Greater Yellowstone Coalition
5. Northern Cheyenne (Teanna Limpy)
6. Northern Plains Resource Council, with Stillwater Protective Association and Carbon County Resource Council
7. Park County Environmental Council
8. The Wilderness Society
9. Wild Earth Guardians, with 350 Montana, Center for Biological Diversity, Earthworks, Montana Environmental Information Center, Park County Environmental Council, Preserve the Beartooth Front, and Western Environmental Law Center
10. Wild Earth Guardians constituents (over 100 nearly identical form letters)

Scoping (Access, General)

Comment Number	Name	Comment Period	Comment Summary
1	USACOE	Scoping	Currently, a moratorium is on parcels for Corps-owned and Corps-managed properties. None of these parcels appear to be located beneath Corps-owned or operated surfaces; nor do the Federal minerals of this parcel fall under the jurisdiction of the Corps. The Corps has no additional comments at this time.
BLM Response: Thank you for your comments. The BLM would conduct additional NEPA at the APD stage, and project proponents would be required to obtain all necessary permits prior to site disturbance.			
2	Mackenzie (Knuchel) MTM 108952-FT	Scoping	There are no public or private access which can be used to access these minerals at this time. In addition, the Mackenzies have cattle on the property and value and use the natural wildlife resources as part of their ownership and occupancy of this property. Further, there are a number of rural living developments nearby which, would include subdivisions as well as a view shed from the city of Livingston. The Mackenzies would be interested in purchasing the minerals. If there is a current appraisal on the minerals or a current price set by the BLM please advise and will also inform my clients.
<p>BLM Response: No surface disturbance would occur as a result of issuing leases. Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a more site-specific NEPA analysis with public review opportunities to more fully analyze and disclose site-specific effects of specifically identified activities.</p> <p>For split-estate leases, the BLM would notify the private landowners that oil and gas exploration or development activities are proposed on their lands and they are encouraged to attend the onsite inspection to discuss the proposed activities. In the event of activity on such split estate leases, the lessee and/or operator would be responsible for adhering to BLM requirements as well as reaching an agreement with the private surface landowners regarding access, surface disturbance, reclamation, and/or providing a surface owner damages bond. It is the responsibility of the oil and gas operator to obtain access to all split estate parcels. Please visit https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/split-estate for more information on how the BLM administers federal mineral resources when the surface land is privately-owned. The brochure titles Split Estate Rights, Responsibilities, and Opportunities, found https://www.blm.gov/sites/blm.gov/files/documents/files/SplitEstate07.pdf, contains important and relevant information on this topic.</p> <p>The BLM's leasing recommendations for lands in the Butte Field Office were developed during the preparation of the Butte Resource Management Plan which was a public process that involved public outreach including a meeting in Bozeman. The Livingston parcels (MTM 108952-FT, 4 tracts, MTM 108952-FU, 1 tract) have No Surface Occupancy stipulations for a variety of resource values along the Yellowstone River. Parcels farther from the river also have a range of protective stipulations as well. In the event a proposal for surface disturbance or an actual APD is received an Environmental Assessment will be developed which covers the site specific issues related to the actual proposal. In addition to comments received through this EA, this more detailed EA would cover the specific proposal for surface disturbance or APD. This process would incorporate additional opportunities for public involvement.</p> <p>The acquisition of Federal Mineral estate is governed by regulations at 43 CFR 2720. While possible, the acquisition of Federal Mineral estate is generally costly and time consuming.</p>			

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3	Lawellin, Sherry (108952-FR)	Scoping	She is concerned about access to her 40 acre property because access is difficult. She uses the property for agriculture and grazing. In addition to access, she also stated resource concerns about impacts to big game habitat and cultural resources. She said there is a history of Indian camps in the area.
BLM Response: See Comment 2.			
4	4 Diamond Ranch (Younkin) MTM 108952-EM	Scoping	4DR is not willing to grant any lessee access any other 4DR property to access the E ½ Section 26. There are no roads which access the E ½ of Section 26, nor are there any prescriptive easements across Section 25 and 35 for access to the E ½ Section 26. Further 4DR does not have access across the neighboring sections for access to the E ½ Section 26. While we are very aware of the split estate between the minerals and the surface of Section 26, the lack of access to the E ½ Section 26 creates some questions. In light of the lack of any roads on the ground, and no separate easements to access the E ½ Section 26, we would like to know what rights you believe you, or your lessee, have to access the E ½ Section 26? T5N, R8E, Section 26, E½, Park County, MT
BLM Response: See Comment 2.			

NEPA

Comment Number	Name	Comment Period	Comment Summary
5	Wild Earth Guardians	EA	The BLM Improperly Segments the March 2018 Lease Sale into Four Environmental Assessments. NEPA provides that to adequately assess the environmental impacts of a proposed action, BLM must assess three types of actions: (1) connected actions, (2) cumulative actions, and (3) similar actions. 40 C.F.R. § 1508.25. The purpose of this requirement [40 C.F.R. § 1508.25] is to prevent an agency from dividing a project into multiple actions, each of which individually has an insignificant environmental impact, but which collectively have a substantial impact. Unfortunately, that is precisely what the BLM is doing here. For example, the Butte and Billings Field Office lease sale parcels are directly adjacent to each other geographically. Additionally, the BLM admits in its EAs that wells from these parcels could be drilled into the same formation—the Crazy Mountains Basin. See Billings FO EA at 15–16; Butte FO EA at 12. Thus, at a minimum, the lease parcels for the Butte and Billings FO's are cumulative, similar actions based on the on-the-ground impacts, geographic location, and timing. Furthermore, all of the lease parcels, not just those in the Butte and Billings FO, must be analyzed in a single NEPA document to properly assess the cumulative impacts of greenhouse gas emissions.
BLM Response: The BLM prepared four EAs for the March 2018 primarily due to workload considerations (i.e., ID Teams from each FO worked on their specific EAs). All EAs tier to the respective RMPs, and these RMPs contain cumulative impacts at the appropriate scales for the full RFDs done in each FO. The decisions on what areas to not lease, lease with standard, moderate, or major stipulations is done at the RMP level in order to look at the larger picture of impacts (including cumulative impacts). There are no ground-disturbing activities authorized at the leasing stage.			

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6	Wild Earth Guardians Northern Plains Resource Council Park County Environmental Council (PCEC) Greater Yellowstone Coalition (GYC)	EA	<p>The BLM Improperly Defers Its Site-Specific NEPA Analyses to the Application Permit to Drill Stage, which fails to provide any meaningful analysis of connected actions, and fails to adequately consider cumulative effects.</p> <p>Wild Earth & PCEC: the BLM attempts to further segment its analysis by claiming that it will conduct site-specific NEPA analyses at the Application Permit to Drill (“APD”) stage. NEPA is not designed to postpone analysis of an environmental consequence to the last possible moment.” This is especially the case if postponing analysis results in a piecemeal look at the impacts. See 40 C.F.R. § 1508.27 (“Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.”). Because drilling cannot occur without the BLM first leasing the minerals, leasing and drilling are interdependent, connected actions. Thus, the BLM must estimate the impacts of drilling these wells at the lease sale stage. Leasing also conveys a right to develop and is thus considered an irretrievable commitment of resources. NEPA requires that agencies prepare an EIS before there is “any irreversible and irretrievable commitment of resources.” The need to do a full NEPA at the lease sale stage is further supported by the fact that the BLM frequently approves APDs without further NEPA analysis. For example, on September 27, 2017, the Billings FO approved an APD for an oil well and pipeline through a categorical exclusion. Exhibit 1, Vanguard EBET2-390 APD, DOI-BLM-MT-A010-2G17-0058-CX. Other BLM Field Offices frequently use categorical exclusions as well, and use of these is very likely to increase under the current administration.</p> <p>Northern Plains & GYC: Appreciates the BLMs attention to placing stipulations such as No Surface Occupancy on parcels of particular concern to resources. However, such stipulations do not resolve the greater issue of cumulative impacts. On the contrary, such stipulations ensure even more development in the proposed region via surface occupancy on adjacent state or private lands in order to reach leased federal minerals. Failing to consider cumulative impacts until applications for permit to drill (APDs) are submitted misses the window to review impacts holistically. APDs are submitted by individual operators, not necessarily as a unit, and not as part of any kind of region wide development plan. To postulate that cumulative impacts could be assessed or mitigated at the APD level does not reflect oil and gas development as it currently operates.</p> <p>The failure to consider the 9 lease parcels nominated in Park Country in connection with the 76 nominated lease parcels in the adjacent Sweet Grass, Stillwater, and Carbon Counties further undermines the conclusions of the March 13th, 2018 oil and gas lease sale EA and the Finding of No Significant Impact. Therefore, it is inappropriate for the Bureau of Land Management to continue on with the March 13th, 2018 oil and gas lease sale before first conducting a comprehensive Environmental Impact Statement that reviews cumulative impacts to the region.</p> <p>BLM Response: BLM is tiering to and incorporating by reference all impacts from the Butte RMP (2009) and associated Final EIS. BLM completes an EA if the analysis and if we can support a FONSI, then there is no need for an EIS. In addition, surface disturbance is not part of the proposed action. At the time of</p>

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<p>this review it is unknown whether or not a particular parcel will be sold and a lease issued and what potential impacts to those resources may occur. The EA uses a reasonable foreseeable development scenario based on the RMP to estimate potential effects.</p> <p>A detailed site-specific analysis and mitigation of activities associated with any particular lease would occur when a lease holder submits an application for permit to drill (APD). This could include re-evaluating the area for protected species and habitat, additional conditions of approval (COAs) and involvement of external entities (e.g. USFWS), as necessary, based on the proposed action. The level of NEPA completed for future APDs (categorical exclusion, EA, or EIS) would be based on site-specific considerations and the significance of effects.</p>			
7	The Wilderness Society	EA	<p>The Draft EA lacks a reasonable range of alternatives.</p> <p>For this lease sale, BLM has not considered any alternatives that fall between the two extremes, and instead just considered the “No Action” and “Proposed Action,” under which BLM would lease all nine parcels evaluated in the Draft EA. Draft EA at 9. For example, BLM did not consider deferring parcels MTM 108952-FT and -FU, the development of which could impact a blue ribbon fisheries, source water protection regions and water wells. See Draft EA at 32, 40. The failure to consider such an alternative is magnified by the fact that neither of these parcels had high or even moderate development potential. According to the Draft EA, there is a “low” likelihood of development on both of these parcels, which is consistent with historic trends for Park County. Because BLM did not evaluate this or any other “middle-ground” alternatives, it has violated NEPA.</p>
<p>BLM Response: Because the likelihood for development is low there is a corresponding low potential for impacting activities to occur on these parcels in the first place. There is no legal requirement to defer parcels based on development potential. See response to Comment #8.</p> <p>The potential for impact to water resources is further reduced by the NSO stipulations already in place on Parcels FT and FU. Parcel FU has NSO stipulations for floodplains, streams, riparian areas, blue ribbon trout streams, Yellowstone cutthroat trout, National Historic Trails and NRHP. Parcel FT has additional stipulations (refer to Appendix A and B). The minimum size stipulations are applied to is a 40-acre aliquot part. Parcel FU is a 40 acre parcel; therefore the NSOs would cover the entire parcel. The NSOs would also cover most of parcel FT, including the portion in the source water protection area.</p> <p>BLM reviewed the Livingston Source Water and Aquifer Protection Plan, Source Water Delineation and Assessment Report, and the boundaries of the Livingston city limits. We also contacted MT DEQ to obtain information regarding the groundwater recharge zones. Parcels FU and FT are outside the city limits and the recharge zones lie to the west of the Yellowstone River. Consequently, it is reasonable to assume that the Livingston municipal regulations do not apply to these parcels, even when considering the recharge zone. Documentation of this review is in the project record.</p> <p>For these reasons a separate alternative to not lease parcels FT and FU is not warranted to address these water resource issues.</p>			
8	Wild Earth Guardians Park County Environmental Council	EA	<p>The BLM fails to analyze and asses a reasonable range of alternatives.</p> <p>Wild Earth and PCEC: BLM admits through its Reasonably Foreseeable Development scenarios for the lease parcels that many of the proposed lease parcels may never see development, it appears the proposed leasing would simply be a major giveaway to the oil and gas industry. While we object to the BLM’s proposal to lease, given the situation, we at least request the agency give detailed consideration to alternatives that address the</p>

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			<p>likelihood that industry is only seeking the proposed leases in order to stockpile reserves and not actually produce oil and gas. In sum, because the BLM's proposed lease parcels are speculative, risky proposals, the BLM must ensure that the American public is fairly compensated for the costs of the lease sale and development by including alternative with fiscal safeguards.</p> <p>Wild Earth: We request the BLM give detailed consideration to the following alternative actions:</p> <ol style="list-style-type: none"> 1) An alternative that imposes a minimum bonus bid higher than \$2.00 per acre to ensure that only serious industry interest in the proposed oil and gas leasing parcels and help to prevent companies from stockpiling federal oil and gas leases as a means to increase their assets and enhance their own financial bottom line. 2) An alternative that defers offering the proposed lease parcels for sale until at least 50% of all leased federal oil and gas acres in Nevada are put into production.
<p>BLM Response: BLM must comply with statutory and policy requirements with respect to the timing of lease sales. In accordance with the Federal Onshore Oil and Gas Leasing Reform Act of 1987 and BLM Manual 3120, each BLM state office will hold sales at least quarterly if lands are available for competitive leasing. There is no legal requirement to defer parcels based on development potential.</p> <p>This EA tiers to the Butte ARMP (2009) and associated FEIS. The FEIS for the ARMP identifies areas a low, moderate, or high development potential, and the ARMP made management decisions for areas open or closed to leasing. The ARMP also allows development of oil and gas resources and put suitable constraints on these development activities. There is a large portion of the RMP area that has major constraints on activities (e.g., exclusion areas for wind or other rights-of-ways, no surface occupancy for oil and gas, etc.). This RMP was developed under the FLMPA and NEPA requirements and follows multiple use and sustained yield requirements. This lease sale analyzed and attached all the appropriate stipulations to allow both development of minerals and protection of resources. An alternative that sets the cost of the minimum bonus bid or defers parcels in Montana based on what is being leased/produced in Nevada is outside the scope of this analysis.</p>			
9	Wild Earth Guardians	EA	<p>The BLM Fails to Analyze the Impacts of Hydraulic Fracturing and Horizontal Drilling.</p> <p>The BLM fails to fully analyze the impacts of hydraulic fracturing ("fracking") coupled with horizontal drilling in its EAs or the underlying RMPs/FEISs. Fracking coupled with horizontal drilling is now used in the majority of oil and gas wells. According to the U.S. Energy Information Administration ("EIA"), as of 2015, 67% of the U.S.'s natural gas comes from wells that use fracking, and 50% of the U.S.'s oil comes from wells that use fracking. Thus, it is very likely, that the oil and gas industry will use fracking to develop the lease parcels.</p> <p>The BLM fails to analyze these increased impacts in either the EAs for the lease sales or the RMP/FEISs for the field office. All of the EAs for the four areas of the lease sale tier to broader RMPs and Final EISs. The Billings FO EA tiers to the 2015 Billings Field Office Resource Management Plan Amendment and accompanying FEIS.⁵ The Butte FO EA tiers to the 2009 Butte Approved RMP and accompanying FEIS.⁶ The Hi-Line EA tiers to the 2016 Hi-Line RMP and accompanying FEIS. Out of the four RMPs and FEISs referenced above, only the Hi-Line RMP/FEIS comes close to fully analyzing the impacts of fracking coupled with directional drilling. The Billings</p>

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			RMP/FEIS, summarily dismisses the possibility of fracking in its response to comments. See, e.g., Billings RMP/FEIS, Vol. 3, Ch. 5, at 5-87 (“There is no fracking currently occurring in the Billings Field Office and it is unlikely to occur.”) Although the RMP/EIS still includes a description of the process of fracking, it fails to include an analysis of the impacts of fracking and horizontal drilling. See Billings RMP/FEIS Vol. 1, Ch. 3, at 3-188 to 3-190; see generally Chapter 4: Environmental Impacts. This is in spite of evidence that fracking and horizontal drilling has occurred and will likely continue to be used in Carbon County. The Butte RMP/FEIS is even more devoid of any discussion of impacts from fracking and horizontal drilling. Wells that use hydraulic fracturing and horizontal drilling to stimulate production have been drilled into the Cody Shale formation in the Park County area. See Exhibit 2. In sum, none of the BLM’s four EAs for the lease parcels, and only three of the underlying RMPs/FEISs, come close to fully addressing the impacts of fracking and horizontal drilling despite evidence that such techniques have been used and are likely to be used in the future. As a result, the BLM’s FONSI for the lease sale cannot stand, and the BLM must remove all of the lease parcels from consideration.
BLM Response: A discussion on the effects of fracking was added to the EA. Refer to Sections 3.3 and 3.8.			
10	Wild Earth Guardians	EA	<p>The BLM’s Reasonably Foreseeable Development Scenarios for the Billings, Butte, and Hi-Line Parcels Are Not Accurate.</p> <p>The BLM must also analyze the reasonably foreseeable development of the lease parcels in context with current, on-the-ground information. While we appreciate BLM’s attempts to calculate the reasonably foreseeable development scenario for the proposed lease parcels, the agency’s numbers appear grossly underestimated and completely unrealistic. For example, for the Billings FO parcels, the BLM estimates that out of 76 parcels, only 5.4 wells per year will be developed. See Billings FO EA at 16.9 BLM’s assessment of reasonably foreseeable oil and gas wells is based on an overly simplistic assessment of the percentage of lease acreage within the total acreage of a “potential” area. A more logical approach would be one similar to that taken by the Vernal Field Office in Utah. For example, for the December 2017 sale, the Vernal FO presumed that, at a minimum, one well would be developed on every lease parcel offered for sale. The Vernal FO also considered whether the parcel in question was within 2 miles of a well which had produced oil or gas within the past 6 years. This approach addresses the fact that industry has nominated the lease parcels, and therefore, the likelihood of development is higher.</p>
<p>BLM Response: BFO is tiering to and incorporating by reference all impacts from the BFO Record of Decision (2009) and Final EIS (2008) for their ARMP. Anticipated exploration and development activities associated with the lease parcels considered in this EA are within the range of assumptions used and effects described in the EIS. The method used to determine a potential Reasonably Foreseeable Development scenario for the lease sale is described in Section 3.2 of the EA, which states, “The RFD for this EA is based on information contained in the RFD developed for the BFO FEIS. The RFD contains the number of potential oil and gas wells that could be drilled and produced in the BFO area, and was used to analyze the potential number of wells drilled for the nominated lease parcels. These well numbers are only an estimate based on historical drilling, geologic data, resource expertise, and current development in the area.</p>			

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<p>It would be inaccurate to assume that one well would be developed on every lease parcel offered for sale. In the last 10 years (2007-2016), the BLM has offered 1,765 competitive oil and gas leases for sale in Montana. Of the 1,765 leases offered, 1,027 leases sold (58%). During the same time period, the BLM approved 576 Applications for a Permit to Drill (APD) (56% of the leases sold). Another way to look at it – of all the leases offered for sale in the last 10 years, only one-third of them have approved APDs. Source: Public Land Statistics, US Department of the Interior, BLM. A RFD that assumes one well per parcel would over-estimate the development potential across Montana. In the last 10 years, Butte has not approved any APDs. The RFD scenario for Butte, which assumes 3 wells would be drilled is most likely an over estimate of drilling potential.</p> <p>To assume a minimum of one well to be drilled on every lease parcel within the Butte boundary, as the Vernal FO did, would overestimate the drilling activity in the Butte region. The Vernal FO historically receives the third most APDs compared to all other BLM field offices (approximately 42 BLM oil and gas field offices, Miles city 18th, and Great Falls 25th)." These numbers are from a WO report on APDs for FY15. Since BiFO and Butte FO are not an O&G offices they are not included on this list, however, Butte would be at the bottom if it has not approved any APDs in the last 10 years.</p>			
11	The Wilderness Society	EA	<p>BLM has failed to take the necessary “hard look” at potential environmental impacts.</p> <p>BLM has not taken the required “hard look” at impacts of leasing parcels MTM 10895-FT and -FU. Under NEPA, BLM must evaluate the “reasonably foreseeable” site-specific impacts of oil and gas leasing, prior to making an “irretrievable commitment of resources.” <i>New Mexico ex rel. Richardson</i>, 565 F.3d at 718; <i>see also Sierra Club v. Hodel</i>, 848 F.2d 1068, 1093 (10th Cir. 1988) (agencies are to perform hard look NEPA analysis “before committing themselves irretrievably to a given course of action so that the action can be shaped to account for environmental values”).</p> <p>Here, BLM has failed to evaluate the potential negative consequences of leasing these parcels on the town of Livingston, whose economy is highly dependent on tourism and outdoor recreation, including from fishing on the blue ribbon fishery located on the Yellowstone River. While the Draft EA discloses the marginal economic benefits of leasing these parcels, there is no analogous discussion of how development on these parcels could impact the tourist economy of Livingston and the many outfitters and other businesses that rely on tourism and outdoor recreation. As a consequence, the Draft EA does not comply with NEPA.</p>
<p>BLM Response: This EA is tiered to the information and analysis and conforms to the decisions contained in the 2009 Butte Approved Resource Management Plan (BFO ARMP) and associated FEIS. The ROD, RMP, and FEIS are in compliance with all Federal laws, regulations, and policy.</p> <p>At the leasing stage, site-specific drill locations are unknown. See response to comment # 10. The BLM reviews proposed parcels and identifies stipulations based on what is known about the parcels such as presence of streams, wetlands, steep slopes, known nest sites, or designated habitat. These stipulations are essentially incorporated as design criteria in any future proposal. These stipulations were developed during the last RMP revision. Site specific NEPA analysis cannot occur until there is an APD.</p> <p>Parcels FU and FT are covered by numerous no surface occupancy stipulations. See Response to Comment #7.</p>			

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12	Park County Environmental Council	EA	<p>The BLM Fails to address whether oil and gas development is the Best and Highest Value for the Proposed Parcels.</p> <p>Opening up public lands on the Yellowstone River to oil and gas development is not the highest or best use of America's public lands on the doorstep to Yellowstone. The BLM's mission is "to sustain the health, diversity, and productivity of America's public lands for the multiple use and enjoyment of present and future generations." The parcels under consideration in Park County lie adjacent to the Yellowstone River or its tributaries, including the Shields River. The Yellowstone River, the Shields River and the public lands in Park County sustain our local economy. People travel from around the world to fish our world-class trout streams, to visit America's first national park and to enjoy the rural character and mountain views that Park County provides. The proposed leases in Area 14 lie in the direct viewshed of Livingston's historic main street. The clean and cold water of the Yellowstone River and the unobstructed views of the Absaroka-Beartooth Mountains from downtown Livingston are worth far more than the annual estimated revenue of \$8500 to the BLM for leasing minerals (assuming maximum prices and 100% of the parcels are leased). The BLM's alternative analysis should consider the economic impact of the No Action alternative. No action will cost the BLM approximately \$8500/year at best, but will preserve an economy that depends on intact natural resources.</p>
<p>BLM Response: The Butte RMP/FEIS analyzed four alternative levels of acreage made available for oil and gas leasing (see Table 2-20 of the Butte RMP/FEIS). These alternatives covered a range of possible levels of leasing and development and the analysis included estimates of the economic impacts related to each alternative relative to a no-action alternative. This level of analysis provides sufficient detail to inform the leasing decision.</p> <p>The Livingston parcels (MTM 108952-FT, 4 parcels, MTM 108952-FU, 1 parcel) have No Surface Occupancy stipulations for a variety of resource values along the Yellowstone River. Parcels farther from the river also have arrange of protective stipulations as well. In the event a proposal for surface disturbance or and actual APD is received and Environmental Assessment will be developed which covers site specific issues related to the actual proposal.</p>			
13	Park County Environmental Council	EA	<p>The BLM Failed to meaningfully consult with interested parties, including the City of Livingston.</p> <p>The BLM's analysis is flawed because BLM failed to meaningfully engage with interested parties, including the City of Livingston. When considering whether to develop oil and gas leases adjacent to a community, the BLM should proactively work to inform and engage a community. BLM failed to provide adequate notice to potentially impacted communities and landowners, including the 6,000(+) residents of Livingston and its local government. The public interest weighs in favor of informing more people of potential impacts to air and water. The BLM should reopen the scoping period and should meaningfully engage with landowners and community members through public meetings and presentations at local government.</p>
<p>BLM Response: The BLM's leasing recommendations for lands in the Butte Field Office were developed during the preparation of the Butte Resource Management Plan which was a public process that involved public outreach including a meeting in Livingston. In addition to comments through this EA, the BLM would prepare a subsequent more detailed EA for any proposal for surface disturbance or and actual APD received. This process would involve a more specific proposal and would incorporate additional opportunities for public involvement.</p>			

Resource Management Plan / FLPMA

Comment Number	Name	Comment Period	Comment Summary
14	The Wilderness Society	EA	<p>BLM Is Violating the Federal Land Policy and Management Act.</p> <p>Under FLPMA, BLM is required to manage the public lands on the basis of multiple use and sustained yield. 43 U.S.C. § 17732 (2012). In recognition of the environmental components of the multiple use mandate, courts have repeatedly held that under FLPMA’s multiple use mandate, development of public lands is not required, but must instead be weighed against other possible uses, including conservation to protect environmental values. Development is a possible use, which BLM must weigh against other possible uses — including conservation to protect environmental values, which are best assessed through the NEPA process.” The multiple use framework’s emphasis both on environmental resources and on the need to balance between present and future generations are highly relevant to consideration of climate change-related impacts. Here, the BLM appears to be grounding the analysis and decisions proposed in the Draft EA on recent presidential and executive actions on “American energy independence” or “dominance.” Such a decision would clearly violate the multiple-use mandate of FLPMA, which states in no uncertain terms that BLM “shall manage public lands under principles of multiple use and sustained yield” and contains specific provisions and procedures for broadly “excluding” principal uses of the public lands, including outdoor recreation and fish and wildlife development and utilization, none of which have been followed here and more broadly by the Interior Department. 43 U.S.C. §§ 1732(a), 1712(e)(2).</p> <p>BLM Response: The Butte District Office ARMP does incorporate the full multiple use policy of FLMPA. The Butte RMP has areas prioritized for ACEC management, management of visual resources and/or National Scenic and Historic Trails, areas prioritized for the management of recreation and various wildlife species. The RMP also allows development of oil and gas resources and put the suitable constraints on these development activities. There is a large portion of the RMP area that has major constraints on activities (e.g., exclusion areas for wind or other rights-of-ways, no surface occupancy for oil and gas, etc.). This RMP was developed under the FLMPA and NEPA requirements and follows multiple use and sustained yield requirements. This lease sale analyzed and attached all the appropriate stipulations to allow both development of minerals and protection of resources.</p> <p>It is the policy of the BLM to make mineral resources available for use and to encourage development of mineral resources to meet national, regional, and local needs. This policy is based on various laws, including the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976 (FLPMA). The Federal Onshore Oil and Gas Leasing Reform Act of 1987 Sec. 5102(a)(b)(1)(A) directs the BLM to conduct quarterly oil and gas lease sales in each state whenever eligible lands are available for leasing.</p> <ul style="list-style-type: none"> 43 C.F.R. § 3120.1-2. Each proper BLM State Office shall hold sales at least quarterly if lands are available for competitive leasing.

Comment Number	Name	Comment Period	Comment Summary
			<ul style="list-style-type: none"> Mineral Leasing Act of 1920 as amended- Subtitle B Federal Onshore Oil and Gas Leasing Reform Act of 1987 (FOOGLRA). Lease sales shall be held for each State where eligible lands are available at least quarterly.... Washington Office Instruction Memorandum 2010-117 Oil and Gas Leasing Reform. State offices will continue to hold lease sales four times per year, as required by the Mineral Leasing Act, section 226(b)(1)(A) when eligible lands are determined by the state office to be available for leasing. Montana State Office Oil and Gas Leasing Reform Implementation Plan August 2010. All Montana Oil and Gas Competitive Lease Sales are subject to the following laws, regulations and policies: Required by law and regulation to hold lease sales at least quarterly if lands are available (Public Law 100-203, Sec. 5102, dated 12/22/87 (FOOGLRA)). <p>MLA statements</p> <ul style="list-style-type: none"> MLA page 40- Sec. 16- "That all leases of lands containing oil or gas, made or issued under the provisions of this Act, shall be subject to the condition that the lessee will...use all reasonable precautions to prevent waste of oil or gas developed in the land..." MLA page 15- Sec. 30- "Each lease shall contain provisions for the purpose of insuring...and for the prevention of undue waste..." <p>No surface disturbance would occur as a result of issuing leases. Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a more site-specific NEPA analysis with public review opportunities to more fully analyze and disclose site-specific effects of specifically identified activities. This analysis would include resources and resource uses proposed on or adjacent to the lease parcel lands. The BLM analyzes all proposed federal actions in a NEPA document (whether they are for range, vegetation treatments, recreation, etc.). All actions are reviewed for compliance with the land use plan at the start of the NEPA process. Having areas available for oil and gas leasing does not mean that this activity is prioritized over other uses or that it is the only use on BLM lands. The RMP has areas closed and/or avoided for certain resource uses, prioritized for ACEC designation, wilderness study areas, etc.</p>
15	Center for Biological Diversity	Scoping & EA	<p>BLM must not violate FLMPA by causing unnecessary or undue degradation.</p> <p>BLM must prevent degradation that is “unnecessary” and degradation that is “undue.”</p> <p>The protective mandate applies to BLM’s planning and management decisions. Greenhouse gas pollution for example causes “undue” degradation. Even if the activity causing the degradation may be “necessary,” where greenhouse gas pollution is avoidable, it is still “unnecessary” degradation. 43 U.S.C. § 1732(b).</p>
<p>BLM Response: It is the policy of the Bureau of Land Management (BLM) to make mineral resources available for use and to encourage development of mineral resources to meet national, regional, and local needs. This policy is based on various laws, including the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976. The Federal Onshore Oil and Gas Leasing Reform Act of 1987 Sec. 5102(a)(b)(1)(A) directs the BLM to conduct quarterly oil and gas lease sales in each state whenever eligible lands are available for leasing. This EA is tiered to the information and analysis and conforms to the decisions contained in the 2009 Record of Decision (ROD) and Butte Approved Resource Management Plan (BFO RMP).</p>			

Comment Number	Name	Comment Period	Comment Summary
A decision to offer parcels for lease would not cause unnecessary or undue degradation and is consistent with existing laws, regulations, and policies, including the HiLine ARMP, NEPA, MLA, and FLPMA. Upon receipt of an Application for a Permit to Drill (APD), the BLM would initiate a site-specific NEPA analysis with public review opportunities. Any conditions of approval for permits to drill, including measure necessary to prevent unnecessary and undue degradation, will be evaluated at the project level.			
16	Wild Earth Guardians constituents (> 100 letters)	EA	I urge you to abandon your plans to auction off more than 60,000 acres of public lands and minerals for fracking in March 2018. I am especially troubled that the Bureau of Land Management is considering leasing public lands and minerals along the Beartooth Front, next to the town of Livingston, and in other sensitive and undeveloped landscapes across the region. There is no need to lease public lands to the oil and gas industry in Montana or North Dakota. Industry is not even developing the oil and gas leases it already has. Only 34% of leased lands in the region are actually producing oil and gas.
BLM Response: Beyond the scope of this document. Oil and gas leasing is in compliance with all Federal rules, regulations, and laws, including NEPA, MLA, and FLPMA. Areas open or closed to leasing, and leasing stipulations were developed during the last Resource Management Plan revision, which was completed in 2009 and included public participation.			

Air Quality / Climate

Comment Number	Name	Comment Period	Comment Summary
17	Northern Plains Resource Council and Greater Yellowstone Coalition	EA	<p>The EA's review of air quality and climate change is inadequate. Cumulative impacts to regional air quality are also not considered thoroughly by the lease sale EA. The risks of damage to regional air quality as a result of the March 13th, 2018 oil and gas lease sale, are magnified and thrown into significant uncertainty as a result of the Bureau of Land Management's proposed one year implementation delay of its own Methane and Waste Prevention Rule. The implementation delay of the BLM Methane and Waste Prevention Rule also significantly increases the impacts of potential development on climate change. Methane is a potent greenhouse gas, with a warming power about 25 times that of carbon dioxide. With methane protections no longer applying to development on the proposed parcels, the action's prospective impact to climate has substantially increased.</p> <p>It is unclear whether the March 13th, 2018 oil and gas lease sale EA was drafted assuming the protections of the BLM Methane and Waste Prevention rule would be in place. Considering the significant diminishment in air quality protections as a result of the delay of the BLM Methane and Waste Prevention rule, the potential cumulative air quality impacts of developing the parcels in the March 13th, 2018 oil and gas lease sale need to be reviewed in depth in a comprehensive Environmental Impact Statement.</p>

Comment Number	Name	Comment Period	Comment Summary
			Neither are there stringent protections on the state level. Unfortunately, the state of Montana has no restrictions on wells that flare more than an average of 100 MCF (one thousand cubic feet) of gas per day. Wells exceeding the 100 MCFG limit are habitually and repeatedly granted long (six months to a year) exceptions by the Montana Board of Oil and Gas Conservation without stipulations of any kind to promote reduction of the waste and pollution. This gap in substantive state oversight of oil and gas impacts to air quality further justifies the need for a cumulative review of negative impacts to air quality.
<p>BLM Response: The direct, indirect, and cumulative impacts from on air resources from BLM authorized activities are discussed in the Proposed Butte Resource Management Plan and Final Environmental Impact Statement, September 2008. The Record of Decision and Approved Butte Resource Management Plan (BLM, 2009) includes specific management actions for the protection of air resources which are listed in the EA.</p> <p>BLM cannot comment on the stringency or effectiveness of air control regulations under the purview of and promulgated by the State of Montana.</p> <p>BLM acknowledges that the estimated increase in GHG emissions, based on projected development, may contribute to an increase in global atmospheric GHG concentration which may result in exacerbating impacts associated with global climate change. However, BLM is not able to predict actual local impacts from the projected level of increased GHG emissions associated with the proposed lease sale. The application of lease notice LN 14-18 (see below) to the proposed lease parcels will provide for conservation of air resources by ensuring that reduced emissions engine technology is used as the leases are developed, and by allowing BLM to conduct additional air analyses at the time of development if methodologies become available to determine local impacts of project level GHG emissions.</p> <p>LN 14-18- Lease Notice- Air Resource Analysis: The lessee/operator is given notice that prior to project-specific approval, additional air resource analyses may be required in order to comply with the NEPA, FLPMA, and/or other applicable laws and regulations. Analyses may include equipment and operations information, emission inventory development, dispersion modeling or photochemical grid modeling for air quality and/or air quality related value impact analysis, and/or emission control determinations. These analyses may result in the imposition of additional project-specific control measures to protect air resources.</p>			
18	Wild Earth Guardians	EA	<p>The BLM Fails to Assess the Direct and Indirect Impacts of Air and Greenhouse Gas Emissions that Would Result from Issuing the Proposed Lease Sale Parcels.</p> <p>First, the BLM fails to actually calculate site-specific air emissions that will occur from issuing the proposed lease parcels. Second, although the BLM calculates downstream greenhouse gas emissions from combustion of any produced oil and gas, the BLM fails to assess the greenhouse gas emissions that will result from construction and production of the proposed leases. See, e.g., Billings FO EA at 29–30; Butte FO EA at 24–28; Hi-Line EA at 28–31.10.</p>
BLM Response: see response to comment #17.			
19	Wild Earth Guardians	EA	<p>The BLM Fails to Fully Analyze and Assess the Cumulative Impacts from Greenhouse Gas Emissions that Would Result from Issuing the Proposed Lease Parcels.</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>Similarly, the BLM’s analyses in all four EAs fail to account for greenhouse gas emissions from cumulative and similar actions. The BLM fails to take into account the greenhouse gas emissions resulting from other proposed BLM lease sales in Montana, North Dakota, and surrounding Western states. The BLM has leased or is proposing to lease approximately 859 parcels or 620,548.17 acres of publically-owned land in the states listed above in 2017. The BLM is also proposing to lease 208 parcels (191,708.13 acres) in March 2018 in Colorado, Montana, and Wyoming.</p> <p>Finally, the need to take into account “similar” and “cumulative” actions is underscored by the fact that the BLM acknowledges that the proper geographic area for analyzing and assessing the impacts of greenhouse gas emissions is on a national scale. Both the Billings FO EA and Butte FO EA in fact assess downstream greenhouse gas emissions from the proposed leasing in the context of both statewide and national greenhouse gas emissions. Although this assessment was apparently prepared to try to mislead the public into believing that emissions from the proposed leasing are not significant, it actually emphasizes the need for the BLM to not simply account for emissions from the proposed leasing, but likely for all greenhouse gas emissions associated with BLM-approved oil and gas leasing nationwide.</p>
<p>BLM Response: Potential emissions of air pollutants from the exploration, development, and onsite production phases associated with the RFD for these parcels (see Appendix C) have been addressed in the Butte RMP Final EIS. Table 6 on page 28 of the EA shows the estimated downstream GHG emissions due to 100% combustion of product based on the potential RFD for this lease sale proposal. BLM acknowledges that the estimated increase in GHG emissions, based on projected development, may contribute to an increase in global atmospheric GHG concentration which may result in exacerbating impacts associated with global climate change. However, BLM is not able to predict actual local impacts from the projected level of increased GHG emissions associated with the proposed lease sale. Estimated emissions of GHGs based on RFD potential are used as a proxy for assessing potential climatic effects. No further analysis is required.</p> <p>The application of lease notice LN 14-18 to the proposed lease parcels will provide for conservation of air resources by ensuring that reduced emissions engine technology is used as the leases are developed, and by allowing BLM to conduct additional air analyses at the time of development if methodologies become available to determine local impacts of project level GHG emissions. In addition, the management actions specific to air resources contained in the Record of Decision for the Butte Resource Management plan would provide for the conservation of air resources.</p>			
20	Wild Earth Guardians	EA	<p>The BLM Fails to Analyze the Costs of Reasonably Foreseeable Carbon Emissions Using Well-Accepted, Valid, Credible, GAO-Endorsed, Interagency Methods for Assessing Carbon Costs.</p> <p>In addition to the lack of cumulative impacts analysis for GHGs, it is particularly disconcerting that the agency discusses the economic benefits of the proposed leases, Billings FO EA at 80–81, Butte FO EA at 52, Hi-Line EA at 71–72, North Dakota FO at 42, but completely omits a discussion on the social cost of carbon protocol, a valid, well-accepted, credible, and interagency-endorsed method of calculating the costs of greenhouse gas emissions and understanding the potential significance of such emissions.</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>BLM Response: Potential emissions of air pollutants from the exploration, development, and onsite production phases associated with the RFD for these parcels have been addressed in the Butte FO RMP Final EIS (BLM, 2008). In addition, Table 6 of the EA shows estimated air pollutant emissions based on the potential RFD for this lease sale proposal. Calculations are based on typical development and production scenarios within the Butte FO planning area. Table 6 of the EA shows the estimated downstream GHG emissions due to 100% combustion of product based on the potential RFD for this lease sale proposal.</p> <p>The direct, indirect, and cumulative impacts from oil and gas development on air resources were further analyzed in Chapter 4 of the BFO Approved Resource Management Plan and Final Environmental Impact Statement, 2008.</p> <p>Additional detailed information on estimated air pollutant emissions (including GHGs) can be found in the Air Resource Technical Support Document (ARTSD) for Emission Inventories, Near-Field Modeling, and Visibility Screening, October 2014 (BLM ARTSD, 2014). The air resources analysis includes a discussion of short term and long term impacts to air quality from reasonably foreseeable oil and gas development.</p> <p>There are different approaches that an agency can take to examine climate impacts associated with greenhouse gas emissions, with the social cost of carbon/greenhouse gases estimates being just one metric that could be used. The BLM examined the possible use of social cost of carbon/greenhouse gas estimates and determined to use a different approach for this EA that quantified greenhouse gas emissions as the common metric used and then qualitatively discussed potential climate impacts. The BLM took this approach for several reasons. First, climate change and potential climate impacts, in and of themselves, are often not well understood by the general public (Etkin and Ho 2007, National Research Council 2009). This is in part due to the challenges associated with communicating about climate change and climate impacts, stemming in part from the fact that most causes are invisible factors (such as greenhouse gases) and there is a long lag time and geographic scale between causes and effects (National Research Council 2010). Research indicates that for difficult environmental issues such as climate change, most people more readily understand if the issue is brought to a scale that is relatable to their everyday life (Dietz 2013); when the science and technical aspects are presented in an engaging way such as narratives about the potential implications of the climate impacts (Corner, Lewandowsky, Phillips, and Roberts 2015); use examples and make information relevant to the audience while also linking the local and global scales (National Research Council 2010). In order to more effectively convey the potential climate impacts, the BLM quantified greenhouse gas emissions as a common metric and discussed narratively climate impacts. This approach presents the data and information in a manner that follows many of the guidelines for effective climate change communication developed by the National Academy of Sciences (National Research Council 2010) by making the information more readily understood and relatable to the decision-maker and the general public. The projected climate impacts to the regional area that covers the parcels offered for lease provides a narrative in a scale that is more relevant to the decision-maker and the general public since it provides more detailed specifics on potential implications to their everyday life--such as warmer temperatures and less snowfall, more frequent more severe droughts, and increased chance of stressed ecosystems, etc.</p> <p>This does not discount the quantified greenhouse gas emissions nor the qualitative discussions of global, US and state level impacts, but provides a meaningful and engaging way to connect the reader to more relevant impacts that then allow them to make the connections to the state, US and global impacts. The approach taken by the BLM for this EA to discuss climate change provides impacts at several scales whereas the social cost of carbon metric only provides an impact metric at the global scale. This limits the usefulness for the decision-maker given the lack of information on more localized impacts.</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>Second, as articulated in the response to comments the economic impact analysis conducted as part of this lease sale EA assessed potential federal revenues that could be collected from bonus bids and annual rental payments on nominated parcels leased in this upcoming lease sale. Revenues associated with leasing these parcels would stimulate economic activity as these dollars are disbursed and/or spent, and the resulting economic impacts of these dollars are analyzed and expressed in terms of their effect on employment; personal income; or economic output in the economic analysis of oil and gas development in the Butte FO Final EIS 2009 regional economic impact analysis. Economic impact analyses, such as was done for the Butte FO Final EIS 2009, describe effects that agency activities may have on economic conditions and local economic activity, generally expressed as projected changes in employment, labor income, and economic output (Watson, Wilson, Thilmany, and Winter 2007). It is important to note that results from an economic impact analysis should not be considered as benefits or costs (Watson et al. 2007).</p> <p>Whereas an economic impact analysis evaluates changes in economic activity, a cost-benefit analysis is an approach used to determine economic efficiency by focusing on changes in social welfare by comparing whether the monetary benefits gained by people from an action/policy are sufficient in order to compensate those made worse off and still achieve net benefits (Watson et al. 2007, Kotchen 2011). To summarize, cost-benefit analyses and regional economic impact analyses are very different methods that are focused on quantifying/monetizing different measures (social welfare and economic activity respectively) and are based upon differing assumptions and terminology and are not interchangeable. Furthermore, Watson et al. (2007) explicitly stated that an economic impact does not equate to any measure of net welfare change and that an economic impact analysis is not the same as a benefit-cost analysis, and the term ‘economic benefit’ should be used only in the context of cost-benefit analysis. As such, nowhere in this EA does the BLM refer to the potential revenue associated with this lease sale as an economic benefit since that would be incorrect since a cost-benefit analysis was not conducted. Consequently, the increased economic activity, discussed in terms of revenue, employment, labor income, total value added, and output are simply the economic impacts associated with the alternatives. People, based upon their views and values, may perceive this increased economic activity as a ‘positive’ impact that they desire to have occur; however, that is very distinct from being an “economic benefit” as defined in economic theory and methodology (Watson et al. 2007, Kotchen 2011). Additionally, another person may perceive increased economic activity as a ‘negative’ impact due to potential in-migration of new people, competition for jobs, and concerns that newcomers will change the sense of community and community qualities that are important to herself/himself. Therefore, it is critical to distinguish that how people may perceive an economic impact is not the same as, nor should be interpreted as, a cost or a benefit as defined in a cost-benefit analysis.</p> <p>Moreover, a recent Executive Order (EO) entitled, “Promoting Energy Independence and Economic Growth,” issued March 28, 2017, directed that the Interagency Working Group (IWG) be disbanded and that technical documents issued by the IWG on social costs of carbon be withdrawn as no longer representative of governmental policy (Section 5 of the EO).</p> <p>Finally, protesters have provided no information as to how presenting GHG emissions in a singularly monetary fashion without accounting for the cost from not developing these minerals in the context of FLPMA’s mandate to provide for the nation’s energies needs, provides information BLM has not already considered in disclosing the expected impacts from climate change and GHGs resulting from the offering of parcels for sale. Without any other monetized benefits or costs reported, monetized estimates of the SCC would be presented in isolation, without any context for evaluating their significance. This limits the usefulness of such estimates to the decision maker. The approach taken for this EA provides quantitative GHG emissions as a common metric across alternatives and qualitatively discusses climate impacts, thus effectively informing the decision-maker and the public of potential climate impacts at global, US, state, and regional scales. This approach allows the BLM to meet the “hard look” requirement by presenting the environmental impacts of the proposal</p>

Comment Number	Name	Comment Period	Comment Summary
<p>and the alternatives in comparative form (quantified greenhouse gas emissions), and discusses cumulative climate impacts, providing for the definition of issues and environmental consequences ensuring that an informed decision can be made.</p> <ul style="list-style-type: none"> • Corner, A., Lewandowsky, S., Phillips, M. and Roberts, O. (2015). The uncertainty handbook-A practical guide for climate change communicators. Bristol: University of Bristol. • Dietz, T. (2013). Bringing values and deliberation to science communication. Proceedings of the National Academy of Sciences (PNAS) 110(3): 14081-14087. • Etkin, D. and Ho, E. (2007). Climate change: Perceptions and discourses of risk. Journal of Risk Research 10(5): 623-641. • Kotchen, M.J. (2011). Cost-benefit analysis. Chapter in: Encyclopedia of climate and weather, Second edition. Schneider, S.H., editor-in-chief. New York, Oxford University Press: pp 312-315. • National Research Council. (2009). Informing decisions in a changing climate: Washington D.C., The National Academies Press. • National Research Council. (2010). Informing an effective response to climate change: Washington D.C., The National Academies Press. • Watson, P., Wilson, J., Thilmany, D., and Winter, S. (2007). Determining economic contributions and impacts: What is the difference and why do we care? The Journal of Regional Analysis and Policy 37(2):140–146. 			
21	Center for Biological Diversity	Scoping and EA	<p>BLM Must Evaluate Potential Impacts to Air Quality.</p> <p>BLM must analyze air quality impacts from new development in conjunction with the existing air quality landscape for the proposed lease parcels (including fracking). BLM must analyze increased emissions from foreseeable oil and gas development for these lease parcels in order to prevent further degradation of local air quality, respiratory illnesses, premature death, hospital visits, as well as missed school and work days. Any leasing EIS must take steps to analyze the impacts of all foreseeable future air emissions from induced oil and gas development and operations on these lease parcels, and cumulatively with future lease parcel sales in the Montana/Dakotas region.</p> <p>BLM's must identify environmental impact mitigation methods for controlling air pollution emissions, under NEPA's requirement that the agency identify mitigation measures, 40 C.F.R. § 1508.25, and consider all reasonable alternatives.</p>
BLM Response: See response to comments #17 and #19.			
22	Center for Biological Diversity	Scoping and EA	<p>Types of Air Emissions</p> <p>BLM must disclose the type, extent, or source of emissions from unconventional oil and gas extraction methods, such as fracking. The rapid expansion of unconventional oil makes the impacts associated with fracking foreseeable.</p> <p>The EIS should study the potential for oil and gas operations sites in the planning area to emit such air toxics and any other pollutants that may pose a risk to human health, paying particular attention to the impacts of air pollution on environmental justice communities that already bear the burden of disproportionately high levels of air pollution.</p>

Comment Number	Name	Comment Period	Comment Summary
BLM Response: See responses to #17 and #19.			
23	Center for Biological Diversity	Scoping and EA	Sources of Air Emissions Harmful air pollutants are emitted during every stage of unconventional oil and gas recovery, including drilling, completion, well stimulation, production, and disposal. The EIS must provide an adequate analysis and disclosure of the effects the lease sale could have on air quality, including the impacts that would result from fracking. BLM cannot postpone the discussion of air pollution and climate change impacts until site-specific plans are proposed.
BLM Response: See responses to #17 and #19.			
24	Center for Biological Diversity	Scoping and EA	Impact of Increased Air Pollution The EIS should incorporate a literature review of the harmful effects of each of these chemicals known to be used in fracking and other unconventional oil and gas extraction methods. Without knowing the effects of each chemical, the EIS cannot accurately project the true impact of unconventional oil and gas extraction.
BLM Response See responses to #17 and #19.			
25	Center for Biological Diversity	Scoping and EA	Air Modeling BLM must employ readily-available air quality modeling tools to understand what areas and communities will most likely be affected by air pollution in any environmental review of this lease parcel sale. It is crucial to gather independent data rather than relying on industry estimates, which may be inaccurate or biased. Wind and weather patterns, and atmospheric chemistry, determine the fate and transport of air pollution over a region, over time.
BLM Response: The Record of Decision and Approved Butte Resource Management Plan includes management actions for the protection of air resources. The ROD states, air resources will continue to be evaluated on a case-by-case basis as part of project level planning to ensure compliance with local, state, and federal regulatory requirements. Evaluations will consider the significance of the proposed project and the sensitivity of air resources in the affected area. Mitigation measures will be developed as appropriate to ensure compatibility of projects with air resource management. If the proposed parcels are leased, and if a proposed plan of development or an application for permit to drill is submitted, the significance of air emissions and potential impacts will be assessed and may including an air modeling analysis and/or additional air emissions controls or mitigation strategies.			
26	Center for Biological Diversity	Scoping and EA	BLM Must Disclose Greenhouse Gas Emissions and Impacts to Climate From Oil and Gas Drilling, Processing, Transport, and Combustion BLM must analyze the impacts of increased oil and gas development on GHG emissions and climate change based on the proposed Montana and Dakota lease sales. Although BLM's Climate Change Supplementary Information Report for Montana, North Dakota, and South Dakota (Climate Change SIR, 2010) provides a useful broad-based analysis of climate impacts to Montana and the Dakotas, because of the readily foreseeable emissions consequences of additional leasing, BLM must provide site-specific emissions analyses for the proposed lease parcels.

Comment Number	Name	Comment Period	Comment Summary
			<p>The final CEQ <i>Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews</i> remains persuasive on the issue of federal agency review of greenhouse gas emissions as foreseeable direct and indirect effects of the proposed action. Although the 2016 CEQ guidance has been "withdrawn for further consideration," 82 Fed. Reg. 16,576 (April 5, 2017), the underlying requirement to consider climate change impacts under NEPA, including indirect and cumulative combustion impacts foreseeably resulting from fossil fuels leasing decisions, has not changed.</p> <p>The volume of potential oil and gas from these lease parcels is knowable and calculating the direct emissions impact from development of these lease parcels is also quantifiable. BLM must make reasonable efforts to quantify foreseeable GHG emissions that could result from new leasing within the Montana and North Dakota regions proposed for lease—including emissions from construction, operating fossil-fuel powered equipment during production, reclamation, transportation, processing and refining, and combustion of the extracted product.</p> <p>Only by conducting a comprehensive EIS can BLM accurately weigh the climate change costs and benefits of alternatives and address sources of greenhouse gases and effects of climate change. A no new leasing alternative is, therefore, not only reasonable but also imperative. As BLM has not yet had a chance to consider a no new leasing and no fracking alternative as part of its planning processes, BLM should suspend new leasing until it properly considers this alternative in an updated RMP or in the EIS.</p>
Response: See response to comment #19.			

Cultural Resources

Comment Number	Name	Comment Period	Comment Summary
27	Blackfeet	EA	Phone call to Butte Archaeologist informing BLM that the lease parcels are in Blackfeet country.
BLM Response: BLM informed the THPO that we do not do inventories at the leasing stage but that we are aware of two sites in the larger parcel. Tribal governments would be notified if an APD is submitted that has more specific information about proposed well locations.			
28	Northern Cheyenne	EA	Because of the high potential for culturally significant sites mentioned on page 44 of the EA for 9 nominated lease parcels, our office requests a class III survey that includes with tribal involvement to ensure that any potential culturally significant sites are properly identified and evaluated.
BLM Response: All the lease parcels include stipulations for Cultural Resource consideration (CR-1, CSU 12-8) which would require more detailed surveys and tribal consultation in the event an actual proposal for surface disturbance or an APD was received.			

Comment Number	Name	Comment Period	Comment Summary
29	Park County Environmental Council	EA	<p>The BLM Fails to Account for the Impacts to the City of Livingston's Historic and Cultural Resources.</p> <p>The City of Livingston has several local groups that preserve historic and cultural resources in Livingston's historic downtown. The EA completely ignores the potential historic and cultural impacts from oil and gas development in Livingston's historic viewshed.</p>
<p>BLM Response: In the event these parcels are leased, and a specific proposal for exploration is received, the BLM will consider potential impacts to identified historic properties and apply appropriate stipulations to avoid or reduce impacts associated with the approval of an APD.</p>			

Water Resources (see also FONSI)

Comment Number	Name	Comment Period	Comment Summary
30	Bush, Jodi; USFWS	Scoping	<p>We recommend that the EA discuss anticipated unavoidable impacts to wetlands and streams and measures proposed to avoid, minimize, and compensate for impacts to these resources. Wetlands should be delineated in the field per U.S. Army Corps of Engineers (Corps) procedures, and appropriate permits acquired from the Corps, prior to disturbance of such areas. We also recommend that compensatory stream and wetland mitigation that appropriately replaces lost stream and wetland functions is implemented and functional prior to disturbance of such areas in conjunction with the project(s).</p>
<p>BLM Response: No additional analysis is required at this time. As stated in Section 3.7 of the EA, <i>offering nine parcels for lease would have no direct impacts on water resources including streams, wetlands, floodplains, or waterbodies because no surface disturbance would occur.</i> Consequently, there are no anticipated and unavoidable impacts to wetlands and streams as a result of the leasing of these parcels. During subsequent development at the APD stage, no surface disturbance is allowed in wetlands, riparian areas, floodplains, rivers, streams, and waterbodies (NSO 11-2).</p> <p>Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a site-specific NEPA analysis with public review opportunities to more fully analyze and disclose site-specific effects of specifically identified activities." At that time, alternatives would be considered and any additional mitigation would be identified to address potential future impacts that may arise in the site specific analysis. This analysis would include identification of any jurisdictional or non-jurisdictional wetlands and waterbodies/streams which may be impacted, corresponding mitigation, and requisite permits.</p>			
31	Northern Plains Resource Council and Greater	EA	<p>The EA's review of impacts to water quality is inadequate. Oil and gas developers in Montana are not required to conduct baseline water testing on nearby water sources either before, during, or after development. As a result, there is no assurance that the many water resources nearby the parcels proposed for lease in the March 13th, 2018 oil and gas. Disposal of liquid wastes associated with oil and gas development also pose a severe risk to the groundwater and surface water near the proposed parcels. The state of Montana falls far short of industry best practices when it comes to required well casings that ensure oil and gas wells do</p>

Comment Number	Name	Comment Period	Comment Summary
	Yellowstone Coalition		<p>not leak oil, water, gas, or other materials into the strata through which an oil or gas well is bored. Montana also does not require pressuring testing of wells. Pressure testing wells confirms that well casings are not leaking.</p> <p>This lack of protections for surface and groundwater in Montana is particularly problematic as regards the March 13th, 2018 oil and gas lease sale. The majority of the parcels in Park County are within the watershed of the Yellowstone River, a critical source for domestic drinking water and irrigation. Any negative impact to surface waters from oil and gas development in the region poses a significant risk to human health and public safety by endangering both groundwater and surface domestic and municipal water supplies. The cumulative impacts of development on the scale made possible by the scope of the March 13th, 2018 oil and gas lease sale are potentially severe and require a full Environmental Impact Statement for all the parcels included in the lease sale before the BLM moves forward with the sale.</p>
<p>BLM Response: Additional analysis of potential impacts to water resources from future fluid mineral development were added to the EA (Sections 3.3 and 3.8). However, as stated in Section 3.8, offering nine parcels for lease would have no direct impacts on water resources including streams, wetlands, floodplains, or waterbodies because no surface disturbance would occur. Consequently, there are no anticipated and unavoidable impacts to wetlands and streams as a result of the leasing of these parcels. NSO 11-2 prohibits surface disturbance in allowed in wetlands, riparian areas, floodplains, rivers, streams, and waterbodies.</p> <p>Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a site-specific NEPA analysis with public review opportunities to more fully analyze and disclose potential effects of specifically identified activities. At that time, any additional mitigation and conditions of approval would be identified to address potential future impacts that arise in the site specific analysis. This would include a thorough inventory of any water resources that may be impacted and a more in depth, site specific analysis of potential impacts to those resources.</p>			
32	Northern Plains Resource Council and Greater Yellowstone Coalition	EA	<p>The EA's review of water quantity is inadequate. Water quantity in the regions impacted by the lease sale also deserves consideration within a full Environmental Impact Statement reviewing cumulative impacts. While impossible to know precisely what methods operators will use to develop the nominated parcels, many development techniques require the use of significant amounts of water. Where this water might be sourced presents another major concern regarding the lease sale's cumulative impacts as local sourcing of drilling water could put severe strain on local and regional water resources.</p>
<p>BLM Response: Additional analysis of potential impacts to water resources from future fluid mineral development was added to the EA (Sections 3.3 and 3.8). Oil and Gas drilling operations could impact available quantities of surface water and groundwater. The potential for impacts depends on the combination of water withdrawals and water availability at a given withdrawal location. Where water withdrawals are relatively low compared to water availability, adverse impacts are unlikely to occur. Where water withdrawals are relatively high compared to water availability, impacts are more likely.</p>			

Comment Number	Name	Comment Period	Comment Summary
<p>Compliance with state regulations would help mitigate the impacts of water withdrawals on surface and groundwater by ensuring that water rights are established for all beneficial uses of water, ensuring that water resources are not over-appropriated, and considering the impacts of water withdrawals to groundwater wells and hydraulically connected surface waters.</p> <p>As stated in Section 3.8, offering nine parcels for lease would have no direct impacts on water resources because no surface disturbance would occur. Consequently, there are no anticipated and unavoidable impacts to water quantity as a result of the leasing of these parcels. <i>Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a site-specific NEPA analysis with public review opportunities to more fully analyze and disclose potential effects of specifically identified activities.</i> At that time, alternatives would be considered and any additional conditions of approval / mitigation would be identified to address potential future impacts that arise in the site specific analysis. This would include a thorough inventory of any water resources that may be impacted and a more in depth, site specific analysis of potential impacts to those resources, including water availability.</p>			
33	Center for Biological Diversity	Scoping and EA	<p>BLM Must Evaluate Potential Impacts to Water Quality, Including From Hydraulic Fracturing, Waste Disposal, Spills, and Pipeline and Road Construction.</p> <p>NEPA regulations and case law require that BLM evaluate all “reasonably foreseeable” direct and indirect effects of its leasing. 40 C.F.R. § 1508.8; <i>Davis v. Coleman</i>, 521 F.2d 661, 676 (9th Cir. 1975); <i>Center for Biological Diversity, et al. v. Bureau of Land Management, et al.</i>, 2013 U.S. Dist. LEXIS 52432; 43 ELR 20076 (N.D. Cal. March 31, 2013) (holding that oil and gas leases were issued in violation of NEPA where BLM failed to prepare an EIS and unreasonably concluded that the leases would have no significant environmental impact because the agency failed to take into account all reasonably foreseeable development under the leases).</p> <p>BLM must fully disclose and analyze the indirect and cumulative impacts of increased oil and gas leasing (including hydraulic fracturing, horizontal drilling, and multi-stage fracking) and resulting development on water quality, including, in particular, water quality in the Clark Fork of the Yellowstone River. BLM must give close attention to indirect effects including potential future pipelines that cross the river. On the west side of the Clark Fork, groundwater is very shallow and part of a fluvial aquifer with fast groundwater migration. No leasing should occur without full consideration of potential pathways for contamination of that groundwater, and the health, economic, and other effects on the people and wildlife that rely on ground and surface water in the area.</p>
<p>BLM Response: Additional analysis of potential impacts to water quality from future fluid mineral development was added to the EA (Section 3.3 and 3.8). As stated in Section 3.8, offering nine parcels for lease would have no direct impacts on water resources because no surface disturbance would occur. Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a site-specific NEPA analysis with public review opportunities to more fully analyze and disclose potential effects of specifically identified activities. At that time, alternatives would be considered and any additional conditions of approval / mitigation would be identified to address potential future impacts that arise in the site specific analysis. This</p>			

Comment Number	Name	Comment Period	Comment Summary
<p>would include a thorough inventory of any water resources that may be impacted and a more in depth, site specific analysis of potential impacts to those resources, including water quality.</p> <p>The use of any specific water source on a federally administered well requires review and analysis of the proposal through the NEPA process, which will be completed at the APD stage. The Gold Book, Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (BLM and USFS 2007), would be followed, and site-specific mitigation measures, BMPs, and reclamation standards would be implemented and monitored in order to minimize effects to water resources. All proposed actions must comply with local, state, and federal regulations, including Montana water laws.</p>			
34	Earth Justice	EA	<p>The four EAs addressing the sale fail to analyze and disclose the reasonably foreseeable impacts to groundwater from oil and gas development on those leases, as required by the National Environmental Policy Act (NEPA). Since 1988, BLM’s Onshore Order No. 2 has required operators to construct wells to isolate and protect aquifers containing “usable water,” defined as having up to 10,000 ppm total dissolved solids (TDS). 53 Fed. Reg. 46,798, 46,801, 46,805 (Nov. 18, 1988). BLM adopted the 10,000 ppm standard because it matched the definition of “underground source of drinking water” used by EPA in administering the Safe Drinking Water Act (SDWA). See id. at 46,798 (citing 40 C.F.R. § 144.3). When BLM issued its 2015 hydraulic fracturing rule, it made a housekeeping change amending the applicable provision in the Code of Federal Regulations to conform with the Onshore Order No. 2 usable water requirement. 80 Fed. Reg. 16,128, 16,141–42 (Mar. 26, 2015). But in opposing the hydraulic fracturing rule, several industry trade associations and states informed the court that there has been widespread non-compliance with the 10,000 ppm standard, despite the fact that Onshore Order No. 2 is a legally-binding regulation promulgated by notice-and-comment rulemaking. See 53 Fed. Reg. at 46,798; 43 C.F.R. § 3164.1(b). WEA has explained that requiring companies to protect all underground sources of drinking water would result in substantial additional costs for “casing and cementing associated with isolating formations that meet the numerical definition of usable water under the [Onshore Order No. 2 standard], but which are located at depths deeper than the zones that state agencies and BLM field offices have previously designated as requiring isolation.”</p> <p>Industry’s admissions raise a significant environmental concern that BLM must address before issuing new leases. Accepting WEA’s statements as true, BLM and energy companies have been putting numerous underground sources of drinking water at risk. In its 2016 hydraulic fracturing study, the Environmental Protection Agency (EPA) noted that “the depth of the surface casing relative to the base of the drinking water resource to be protected is an important factor in protecting the drinking water resource.” While water with salinity approaching 10,000 ppm TDS is considered “brackish,” such aquifers are increasingly being used for drinking water. In fact, EPA adopted the 10,000 ppm standard based on the 1974 legislative history of SDWA, which explained that Congress intended SDWA to “protect not only currently-used sources of drinking water, but also potential drinking water sources for the future.” H.R. Rep. No. 93-1185 (1974), 1974 U.S.C.C.A.N. 6454, 6484.</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>Our concerns are underscored by recent research showing that it is very common in this region for hydraulic fracturing and oil and gas production to occur in shallow formations that have only limited vertical separation from underground sources of drinking water. Fracturing and production also sometimes occur within an aquifer that represents an underground source of drinking water. WEA's description of widespread non-compliance with Onshore Order No. 2, and the evidence of shallow production and fracturing, raise a significant environmental issue that must be addressed as a reasonably foreseeable effect of the lease sale. Moreover, BLM's analysis must "state how alternatives considered in it and decisions based on it will or will not achieve the requirements of [NEPA] and other environmental laws and policies." 40 C.F.R. § 1502.2(d). The Council on Environmental Quality regulations also require a discussion of possible conflicts with the objectives of state, local and federal land use plans, policies and controls for the area concerned. 40 C.F.R. § 1502.16(c). An assessment of this problem requires an EIS because the cumulative effects of such widespread noncompliance plainly may have a significant impact on groundwater and public health. The fact that BLM proposes to use four separate EAs for the same lease sale further illustrates how the existing analyses fail to address such cumulative impacts.</p> <p>Ignoring evidence of widespread noncompliance with BLM's standards for protecting underground sources of drinking water would violate NEPA. To make an informed decision on whether to lease these lands BLM needs to know whether doing so will put underground sources of drinking water at risk, and what additional stipulations or other steps are needed to prevent such contamination.</p>
<p>BLM Response: Additional analysis of potential impacts to water resources from future fluid mineral development were added (See Sections 3.3 and 3.8). As stated in Section 3.8, <i>offering nine parcels for lease would have no direct impacts on water resources because no surface disturbance would occur.</i> Upon receipt of an APD, the BLM would coordinate with the appropriate Surface Management Agency (SMA) and initiate a site-specific NEPA analysis with public review opportunities to more fully analyze and disclose potential effects of specifically identified activities. At that time, alternatives would be considered and any additional mitigation would be identified to address potential future impacts that arise in the site specific analysis. This would include a thorough inventory of any water resources that may be impacted and a more in depth, site specific analysis of potential impacts to those resources, including water quality. As stated in the EA, all future authorizations must comply with applicable rules and regulations (EA, p 42).</p>			
35	Park County Environmental Council	EA	<p>The BLM Fails to Address Potential Impacts to the Yellowstone River and the City of Livingston Water Supply.</p> <p>The EA fails to meaningfully evaluate any potential impacts to water quality or quantity impacts to the Yellowstone River and the City of Livingston. The EA acknowledges that "[w]ater resources in the area are essential to the residents for agriculture, public water supplies, industry, and recreation . . . [and that] water resources and the corresponding riparian-wetland areas are crucial to the survival of fish and wildlife, including many BLM-sensitive fish, reptiles, birds, and amphibians," but fails to take actually address whether potential impacts from oil and gas development would impacts those water resources. Butte FO EA at 33.</p>

Comment Number	Name	Comment Period	Comment Summary
			The BLM does not satisfy its obligations under NEPA by listing reasons that water is important. The EA must analyze the potential impacts on our community's water and the Yellowstone River from the potential of oil and gas development. Potential impacts include water pollution from spills, erosion into riparian areas, and dewatering of local water sources. Impacts on drinking water from fracking have been well studied and BLM must acknowledge the level of risk to our community and to the Yellowstone River.
BLM Response: The BLM's leasing recommendations for lands in the Butte Field Office were developed during the preparation of the Butte Resource Management Plan which was a public process that involved public outreach including a meeting in Livingston. The Livingston parcels (MTM 108952-FT, 4 parcels, MTM 108952-FU, 1 parcel) have No Surface Occupancy stipulations for a variety of resource values along the Yellowstone River. Parcels farther from the river also have arrange of protective stipulations as well. In the event a proposal for surface disturbance or and actual APD is received an Environmental Assessment will be developed which covers site specific issues related to the actual proposal, in addition to comments through this EA. This process would involve a more specific proposal and would incorporate additional opportunities for public involvement. See Response to Comment #7.			

Sage-Grouse (see also FONSI)

Comment Number	Name	Comment Period	Comment Summary
36	Bush, Jodi; USFWS	Scoping	Although no longer considered a candidate for listing under the ESA, the Service maintains great interest in this species and associated habitat and has committed to reviewing its status in 2020. The EA should discuss whether project parcels occur within core sage-grouse habitat as mapped by the State of Montana (Executive Orders 10-2014 and 12-2015), Priority Habitat Management Areas (PHMAs), or Restoration Habitat Management Areas (RHMAAs) as identified in the applicable BLM Resource Management Plan (RMP), or general habitat as delineated under both the EOs and RMPs.
BLM Response: The Butte Field Office was not included in the 2015 sage-grouse RMP amendments and therefore does not have designated PHMA or GHMA. However, it does have some sage-grouse habitat. TL 13-14 (no surface use within winter-spring range December 1 – May 15) was applied to parcels 108952-G6, EL, G4, EM, EJ, and F4. TL 13-30 (no surface use in nesting and early brood rearing habitat March 1 – June 30) was applied to parcels 108952-EL, G4, EM, and EJ. There are currently no leks located on any of the parcels. Coordination with the State of Montana would occur at the APD state when a specific proposal is identified.			
37	Bush, Jodi; USFWS	Scoping	Where applicable, the EA should discuss and analyze sage-grouse use and habitat quality on proposed lease parcels, and discuss how compliance with sage-grouse goals, objectives, management decisions, and procedures specified in the applicable RMP and appendices would be achieved. If State permitting is required for the project(s), we recommend that coordination (including sequential impact avoidance, minimization, reclamation, and compensation) with the DNRC, Conservation and Resource Development Division, regarding any applicable required compliance with Montana Executive Order 12-2015 and the Montana sage-grouse conservation strategy be clearly documented in the EA.

Comment Number	Name	Comment Period	Comment Summary
			Clear descriptions of impact avoidance and minimization measures (including lek buffers, construction timing, noise standards, etc.) would greatly facilitate the understanding of anticipated impacts and should also be provided where applicable. We recommend that any required or voluntary compensatory mitigation and proposed means of achieving this mitigation be specifically described in the EA. We recommend that any applicable compensatory mitigation proposal be commensurate with the degree of impacts and offset any unavoidable impacts remaining after application of avoidance and minimization measures. We refer you to the EOs, applicable RMPs, and the Service's September 2014 Greater Sage-Grouse Range-wide Mitigation Framework for further guidance regarding mitigation.
BLM Response: At the leasing stage, the location and extent of development is unknown. The EA evaluated effects based upon a Reasonably Foreseeable Development scenario (RFD), which predicted a total 3 wells. The development of a lease parcel undergoes a complete NEPA analysis during the Application for Permit to Drill (APD) stage of development, which is when site-specific analysis, identification of mitigation sequencing including compensatory mitigation, and coordination with MT DNRC would occur. Also refer to Comment 36 for leasing stipulations applied for sage-grouse habitat.			
38	Center for Biological Diversity	Scoping and EA	<p>BLM Must Analyze Impacts to Greater Sage-Grouse and Prioritize Leasing Outside Grouse Habitat</p> <p>BLM must analyze in detail indirect and cumulative impacts from oil and gas leasing and development on the greater sage-grouse and its habitat. Under BLM's own greater sage-grouse RMP amendments and the recent BLM Instruction Memorandum 2016-143, Implementation of Greater Sage-Grouse Resource Management Plan Revisions or Amendments -Oil & Gas Leasing and Development Sequential Prioritization (September 1, 2016) ("IM 2016-143"), BLM's amended RMPs require it to prioritize oil and gas leasing outside of greater sage-grouse priority and general habitats. (Affected parcels identified in letter by parcel number). The proposed leasing of nearly 24,000 acres of sage-grouse habitat and, in particular, over 13,500 acres of Priority Habitat Management Areas, requires careful examination of the consequences to the particular greater sage-grouse populations that may be affected.</p> <p>The BLM's recent sage-grouse amendments do not provide the level of protection that the best available science says is necessary to reverse sage-grouse decline and recover the species. BLM's proposed decision to lease the parcels within PHMA, GHMA, or RHMA will not conform to the Amended RMPs and the agency's IM 2016-143 unless an EIS fully evaluates site specific impacts to greater sage-grouse and prioritizes leasing outside both PHMAs and GHMAs. To be consistent with IM 2016-143, the EIS must contain sufficient detailed, site-specific analysis to provide BLM and the public with sufficient information to permit a reasonable determination of whether the proposed leasing action could be limited to areas of either non-sage-grouse habitat or areas of lower value habitat. The BLM is subject to clear direction in the IM 2016-143 and the RMP amendments that its sage-grouse RMP plans and conservation strategy rely not only on stipulations within designated habitats, but also on a larger strategy of prioritizing development outside of all sage-grouse habitats.</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>In considering whether or not to make available for leasing additional sage-grouse habitats in the Billings FO and North Central Montana District, BLM must assess the current state of sage-grouse populations in management zone 1, the individual populations and seasonal habitats that may be affected by the proposed leases, and the implications of development for local and regional grouse survival and recovery.</p> <p>After years of deferring oil and gas leases in PHMAs, the BLM throws open Priority Habitats to future mineral leasing, with discretionary language about the priority for leasing being outside Priority Habitats which is completely nonbinding, under stipulations inadequate to protect sage-grouse from further significant population declines in the Priority Habitats. An NSO leasing of fluid minerals in Priority Habitats is insufficient to prevent major impacts even if no exceptions are permitted because it incentivizes leaseholders to line up drilling rigs and industrial infrastructure along the boundary of Priority Habitats to most easily and cheaply drill directionally to tap leased minerals underneath Priority Habitats. This would result in a significant loss of habitat function inside the PHMA. BLM must withdraw all parcels within PHMA from the lease sale.</p> <p>According to BLM's GRSG RMP Amendments, disturbance caps are subject to exceptions across Montana. This means that these measures have no certainty of implementation.</p> <p>Noise limits under the RMP are inadequate to protect sage grouse. BLM should consider a limit of 10 dBA above a defined ambient noise level of 15 dBA within 4 miles of leks and in identified wintering habitats, to be applied across all occupied sage grouse habitats. This should apply March 1 – June 30 in breeding and nesting habitats and also November 30 – March 1 on wintering habitats to protect sage grouse during this sensitive season.</p> <p>Under the Federal Lands Policy and Management Act, BLM must also evaluate the proposed lease parcels to determine whether or not they may affect management objectives for Areas of Critical Environmental Concern ("ACECs", including ACECs designated for the protection of sage-grouse habitat.</p>
<p>BLM Response: A lease parcel prioritization review was completed for the March 13, 2018 lease sales HiLine and Billings in accordance with their 2015 plans and Instruction Memorandums. However, Butte (which has a 2009 ARMP) does not have designated PHMA and GHMA and the prioritization sequencing provisions do not apply.</p> <p>As disclosed in Chapter 3, offering the 9 parcels for lease would have no direct effects on special status wildlife species and habitat. Any potential effects on special status wildlife resources from the sale of lease parcels would occur at the time the leases are developed at the Application for a Permit to Drill (APD) stage. For development to occur on a lease parcel, an APD must be submitted, at which time the field office completes NEPA analysis to disclose the impacts from development. This EA evaluated the effects of a "Reasonably Foreseeable Development scenario" (RFD) which predicted a total of 3 wells. A</p>			

Comment Number	Name	Comment Period	Comment Summary
			site-specific analysis to further avoid and minimize impacts to sage-grouse and sage-grouse habitat would occur at the APD stage when a specific proposal is identified. Refer to Comments 36 and 37.

Wildlife and Surface Water

Comment Number	Name	Comment Period	Comment Summary
39	Bush, Jodi; USFWS	Scoping	<p>Listed and proposed threatened and endangered species, candidate species, and designated critical habitat that may be present in counties containing the proposed lease parcels (are listed below). If a federal agency authorizes, funds, or carries out a proposed action, the responsible federal agency, or its delegated agent, is required to evaluate whether the action “may affect” listed species or critical habitat. If the federal agency or its designated agent determines the action “may affect, is likely to adversely affect” listed species or critical habitat, the responsible federal agency shall request formal section 7 consultation with this office. If the evaluation shows a “may affect, not likely to adversely affect” determination, concurrence from this office is required. If the evaluation shows a “no effect” determination for listed species or critical habitat, further consultation is not necessary.</p> <p>Park County: Canada lynx, Wolverine, Whitebark pine</p>
<p>BLM Response: Offering parcels for lease would have no effect to listed species because the parcels do not contain suitable habitat or are covered with a no surface occupancy stipulation. Additional site-specific NEPA would be conducted at the time an APD is submitted and consultation with FWS would be completed, if necessary.</p>			
40	MT FWP	Scoping	<p>MTM 108952-EJ: Elk winter range - No surface use December 1 - March 31. Mule deer winter range - No surface use December 1 - March 31.</p> <p>Perennial stream - No disturbance within 150 feet (46 meters) of a perennial stream. No major buildings or infrastructure should be constructed within 0.25 miles (0.4 kilometers) of the perennial stream. Project is located in Executive Order Sage-grouse General Habitat Layer. In accordance with Executive Orders 10-2014 and 12-2015, Montana's Sage Grouse Habitat Conservation Program is responsible for reviewing all development projects in sage-grouse habitat for impacts to Sage-grouse. Please consult with the Program at www.sagegrouse.mt.gov.</p>
<p>BLM Response: The timing limitation for big game winter range, TL 13-28, was included on this parcel. TL 13-28 stipulates <i>no surface use allowed from December 1 through May 15 within winter range for wildlife</i>. The BLM timing limitation is more restrictive than FWPs recommended timing limitations.</p> <p>The Butte RMP does not provide the perennial stream stipulations requested, so these cannot be added. This parcel does have stipulation NSO 11-2 for riparian areas and streams, however. NSO 11-2 states: <i>No surface occupancy or use is allowed within riparian areas, 100-year flood plains of major rivers, and</i></p>			

Comment Number	Name	Comment Period	Comment Summary
<p><i>on water bodies and streams.</i> The minimum size stipulations are applied to is a 40-acre aliquot part, which would cover the water resource and a buffer. Additional mitigation to avoid and minimize impacts to water resources could be considered at the APD stage when there is a specific proposal.</p> <p>Stipulations TL 13-14 and TL 13-30 was included on to this parcel. The combination of those stipulations would result in no surface use other than operation and maintenance of production facilities from December 1 through June 30 for sage grouse winter and spring range, and brood rearing. Stipulation LN 14-11 was also added to this parcel for sage grouse in the updated EA, which states:</p> <p>LN 14-11 states: <i>The lease may, in part or in total, contain important greater sage grouse habitats as identified by the BLM, either currently or prospectively. The operator may be required to implement specific measures to reduce impacts of oil and gas operations on the greater sage grouse populations and habitat quality. Such measures shall be developed during the application for permit to drill on-site and environmental review process and will be consistent with the lease rights granted.</i></p> <p>Any development that requires a state permit would be required to obtain approval from the Montana Sage-Grouse Habitat Conservation Program consistent with Montana's executive orders related to sage-grouse.</p>			
41	MT FWP	Scoping	<p>MTM 108952-EL: Elk winter range - No surface use December 1 - March 31. Mule deer winter range - No surface use December 1 - March 31.</p> <p>Project is located in Executive Order Sage-grouse General Habitat Layer. In accordance with Executive Orders 10-2014 and 12-2015, Montana's Sage Grouse Habitat Conservation Program is responsible for reviewing all development projects in sage-grouse habitat for impacts to Sage-grouse. Please consult with the Program at www.sagegrouse.mt.gov.</p>
<p>BLM Response: The timing limitation for big game winter range, TL 13-28, was placed on this parcel.</p> <p>Stipulations TL 13-14 and TL 13-30 were placed on this parcel. The combination of those stipulations would result in no surface use other than operation and maintenance of production facilities from December 1 through June 30 for sage grouse winter and spring range, and brood rearing. Stipulation LN 14-11 was also be added to this parcel for sage grouse in the updated EA. Refer to the BLM response to Comment 40.</p>			
42	MT FWP	Scoping	<p>MTM 108952-EM. Elk winter range - No surface use December 1 - March 31.</p> <p>Mule deer winter range - No surface use December 1 - March 31.</p> <p>Project is located in Executive Order Sage-grouse General Habitat Layer. In accordance with Executive Orders 10-2014 and 12-2015, Montana's Sage Grouse Habitat Conservation Program is responsible for reviewing all development projects in sage-grouse habitat for impacts to Sage-grouse. Please consult with the Program at www.sagegrouse.mt.gov.</p>
<p>BLM Response: The timing limitation for big game winter range, TL 13-28, was placed on this parcel.</p>			

Comment Number	Name	Comment Period	Comment Summary
Stipulations TL 13-14 and TL 13-30 were placed on this parcel. The combination of those stipulations would result in no surface use other than operation and maintenance of production facilities from December 1 through June 30 for sage grouse winter and spring range, and brood rearing. Stipulation LN 14-11 was added to this parcel for sage grouse in the updated EA. Refer to the BLM response to Comment 40.			
43	MT FWP	Scoping	<p>MTM 108952-F4: Mule deer winter range - No surface use December 1 - March 31.</p> <p>A ¼-mile buffer should be maintained along Dog Creek, a direct tributary to a navigable waterbody.</p> <p>Perennial stream - No disturbance within 150 feet (46 meters) of a perennial stream. No major buildings or infrastructure should be constructed within 0.25 miles (0.4 kilometers) of the perennial stream.</p> <p>Project is located in Executive Order Sage-grouse General Habitat Layer. In accordance with Executive Orders 10-2014 and 12-2015, Montana's Sage Grouse Habitat Conservation Program is responsible for reviewing all development projects in sage-grouse habitat for impacts to Sage-grouse. Please consult with the Program at www.sagegrouse.mt.gov.</p>
<p>BLM Response: The timing limitation for big game winter range, TL 13-28, was placed on this parcel.</p> <p>The Butte RMP does not provide the perennial stream stipulations requested, so these cannot be added. This parcel does have stipulation NSO 11-2 for riparian areas and streams, however. The minimum size stipulations are applied to is a 40-acre aliquot part, which would cover the water resource and a buffer.</p> <p>Stipulation TL 13-14 was placed on this parcel. This stipulation provides for no surface use other than operation and maintenance of production facilities from December 1 through May 15 for sage grouse winter and spring range. Stipulation LN 14-11 was added to this parcel for sage grouse in the updated EA. Refer to the BLM response to Comment 40.</p>			
44	MT FWP	Scoping	<p>MTM 108952-FR: Elk winter range - No surface use December 1 - March 31. Moose winter range - No surface use December 1 - March 31. Mule deer winter range - No surface use December 1 - March 31.</p>
<p>BLM Response: The timing limitation for big game winter range, TL 13-28, was placed on this parcel. Refer to the BLM response to Comment 40.</p>			
45	MT FWP	Scoping	<p>MTM 108952-FT: Antelope winter range - No surface use December 1 - March 31.</p> <p>Mule deer winter range - No surface use December 1 - March 31.</p> <p>A ¼-mile buffer should be maintained along Dry Creek, a direct tributary to a navigable waterbody.</p> <p>Perennial stream - No disturbance within 150 feet (46 meters) of a perennial stream. No major buildings or infrastructure should be constructed within 0.25 miles (0.4 kilometers) of the perennial stream.</p>
<p>BLM Response: The timing limitation for big game winter range, TL 13-28, was placed on this parcel.</p>			

Comment Number	Name	Comment Period	Comment Summary
The Butte RMP does not provide the perennial stream stipulations requested, so these cannot be added. The parcel does have stipulations NSO 11-20 and NSO 11-48, however. These stipulations would prevent surface occupancy within ½ mile of the Yellowstone River and Dry Creek. Refer to the BLM response to Comment 40.			
46	MT FWP	Scoping	MTM 108952-FU: Antelope winter range - No surface use December 1 - March 31. Mule deer winter range - No surface use December 1 - March 31. There is no surface water in this parcel so there are no fisheries concerns.
BLM Response: FWP GIS coverage shows this parcel as antelope but not mule deer winter range. The timing limitation for big game winter range, TL 13-28, was added to this parcel in the updated EA. Refer to the BLM response to Comment 40.			
47	MT FWP	Scoping	MTM 108952-G4: Elk winter range - No surface use December 1 - March 31. Mule deer winter range - No surface use December 1 - March 31. Perennial stream - No disturbance within 150 feet (46 meters) of a perennial stream. No major buildings or infrastructure should be constructed within 0.25 miles (0.4 kilometers) of the perennial stream. Project is located in Executive Order Sage-grouse General Habitat Layer. In accordance with Executive Orders 10-2014 and 12-2015, Montana's Sage Grouse Habitat Conservation Program is responsible for reviewing all development projects in sage-grouse habitat for impacts to Sage-grouse. Please consult with the Program at www.sagegrouse.mt.gov .
BLM Response: The timing limitation for big game winter range, TL 13-28, was placed on this parcel. The Butte RMP does not provide the perennial stream stipulations requested, so these cannot be added. This parcel does have stipulation NSO 11-2 for riparian areas and streams, however. The minimum size stipulations are applied to is a 40-acre aliquot part, which would cover the water resource and a buffer. Stipulations TL 13-14 and TL 13-30 were placed on this parcel. The combination of those stipulations would result in no surface use other than operation and maintenance of production facilities from December 1 through June 30 for sage grouse winter and spring range, and brood rearing. Stipulation LN 14-11 was added to this parcel for sage grouse in the updated EA. Refer to the BLM response to Comment 40.			
48	MT FWP	Scoping	MTM 108952-G6: Elk winter range - No surface use December 1 - March 31. Moose winter range - No surface use December 1 - March 31. Mule deer winter range - No surface use December 1 - March 31.
BLM Response: The timing limitation for big game winter range, TL 13-28, was placed on this parcel. Refer to the BLM response to Comment 40.			

Raptors, Migratory Birds

Comment Number	Name	Comment Period	Comment Summary
49	Bush, Jodi	Scoping	We recommend that the EA address potential impacts to eagles. The BGEPA prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden eagles, including their parts, nests, or eggs. The Service recommends use of appropriate eagle use and habitat survey results combined with project design, construction, and operational features and strategies designed to avoid impacts to eagles and important use areas (nests, foraging areas or roost sites that eagles rely on for breeding, sheltering, or feeding, as well as the surrounding landscape features that are essential for the continued viability of the sites for breeding, feeding or sheltering eagles) in order to minimize the risk of eagle take.
BLM Response: Impacts to eagles are discussed in the wildlife section of Chapter 3 of the EA. There are no direct impacts to eagles from the proposed action. Any impacts would occur at the time of development. During NEPA analysis after an APD submission, more specific analysis concerning impacts to eagles would be conducted. At this time, during site specific analysis, conservation measures, proposed mitigation and conditions of approval will be applied to minimize impacts to eagles.			
50	Bush, Jodi; USFWS	Scoping	Where construction or disturbance is proposed in proximity to important bald eagle use areas, we recommend that at a minimum, the operator comply with siting recommendations, seasonal restrictions, and distance buffers specified in the 2010 Montana Bald Eagle Management Guidelines: An Addendum to Montana Bald Eagle Management Plan (1994). The Service's May 2007, National Bald Eagle Management Guidelines contains additional information on protecting bald eagles from disturbance due to human activity.
BLM Response: Your recommendation would be applied as a Condition of Approval (COA) during the NEPA analysis of the APD (development phase).			
51	Bush, Jodi; UFWS	Scoping	The Service has not issued golden eagle management guidelines. However, appropriate buffers for nests and other important use areas based on site-specific conditions should be developed in conjunction with this office if project activities are proposed in proximity to such areas. The Service generally recommends avoidance of occupied nest site disturbance between January 1 and August 15, or until young have fledged. Depending on site-specific conditions, the typically recommended 0.5-mile buffer distance for bald eagle important use areas may be inadequate to ensure avoidance of golden eagle disturbance; in such cases larger buffers may be warranted. We therefore recommend avoidance of occupied golden eagle territories where practicable; maximizing distances between nests (including alternate nests) and the siting of proposed project features; avoidance of occupied nest site disturbance during the nesting season; and avoidance / minimization of impacts to important golden eagle habitat (e.g., shrub-steppe and native grasslands) within golden eagle territories where possible.
BLM Response: At the APD stage, NEPA analysis will disclose impacts to golden eagles and nest sites on a site-specific basis, allowing for appropriate conservation measures to be applied through conditions of approval. TL 13-26 in the Butte ARMP provides <i>no surface use is allowed from February 1 through August 31 in a one mile radius around Bald Eagle nest sites</i> . This stipulation was applied to Parcel 108952-FR. TL 13-11 in the Butte ARMP provides <i>no surface use is allowed from March 1 through July 31 within one-half mile of raptor nest sites which have been active within the past five years</i> . This stipulation was			

Comment Number	Name	Comment Period	Comment Summary
applied to Parcels 108952-FTm F4m and FR. Depending on site-specific conditions, your recommendation would be considered to ensure appropriate conservation measures are applied during the development phase of a project. Thank you.			
52	Bush, Jodi; USFWS	Scoping	We recommend that the EA address potential impacts to migratory birds. The MBTA prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted. To the maximum extent practicable, the Service recommends that construction activities be scheduled outside of the peak bird breeding season (approximately April 15-July 15) so as not to disrupt nesting birds. If work is proposed to take place during the peak breeding season or at any other time which may result in take of migratory birds, their eggs, or active nests, the Service recommends that project proponents take all practicable measures to avoid and minimize take, such as maintaining adequate buffers, to protect the birds until the young have fledged. Active nests may not be removed without a permit from the Service's Migratory Bird Management Division.
BLM Response: Impacts from the act of leasing the parcels, to migratory birds, are disclosed in the wildlife section of Chapter 3. If a parcel has an APD submitted, site specific NEPA analysis will disclose more specific impacts and conditions of approval will be applied to ensure migratory birds/habitat are protected.			
53	Bush, Jodi; USFWS	Scoping	The Service has developed, and continues to revise and develop, general and industry-specific conservation measures (including measures for oil and gas development) for avoiding and minimizing impacts to birds (https://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php). We recommend referencing and incorporating these resources into the EA as appropriate. We recommend that any required new power lines be buried where feasible. If this is not feasible, they should be constructed according to electrocution and collision prevention guidelines developed by the Avian Power Line Interaction Committee (APLIC): 2006 Suggested Practices for Avian Protection on Power Lines and Reducing Avian Collisions with Power Lines: The State of the Art in 2012. We also recommend coordinating with the NDGFD to identify impacts to "Focus Areas" or "Species of Conservation Priority" as described in the 2015 North Dakota State Wildlife Action Plan.
BLM Response: Thank you. These resources will be considered and incorporated into conditions of approval if/when an APD is submitted for a lease parcel. At this time, the proposed action is to "lease" a parcel; therefore, there are no site-specific details or proposed action that describes activities on the ground. At the time of an APD, site-specific NEPA analysis will be conducted to disclose impacts to birds and all wildlife resources; furthermore, during this analysis, conservation measures will be written into the conditions of approval to minimize impacts to birds and bird habitat.			

Socio-Economics

Comment Number	Name	Comment Period	Comment Summary
54	Northern Plains Resource Council and Greater Yellowstone Coalition	EA	<p>The March 13th, 2018 oil and gas lease sale poses a significant potential impact to the socioeconomics of Park County communities that is not adequately taken into consideration in the EA. The economy of Park County is substantively dependent on the tourism economy. Visitors come to Park County from all around Montana, the country, and the world to enjoy the world class fisheries on the Yellowstone River. Even more come to Park County as an entrance to Yellowstone National Park, the Crazy Mountains, and the Beartooth-Absaroka Wilderness. The visual resources of mountains, agricultural landscapes, and clear, undammed, cold water streams and rivers are critical to the economies of communities such as Livingston, Pray, Emigrant, and Gardiner. The damage to these visual resources resulting from a cluster of development, such as could occur from the cluster of parcels proposed for lease right outside Livingston, seriously threatens the tourism economy of Park County communities.</p> <p>Another important economy of Park County threatened by the proposed action and not adequately reviewed in the EA is the potential risk to agricultural operations. Agricultural operations rely on fresh, uncontaminated water, and, as discussed above, the threats to water resources have not had thorough enough review. Negative impacts to agricultural operations in the region would have a devastating impact on the economic strength of the region's communities. Any damage to water quality, discussed in depth above, could devastate the fisheries, and therefore the regional angling economy.</p> <p>Finally, the EA fails to consider any impact to landowners whose property faces devaluation as a result of widespread oil and gas development. Housing market studies have shown a substantial property value decrease for properties near oil and gas development. This risk to Park County homeowners are not considered in the EA and should be scrutinized more fully in a comprehensive EIS before the BLM moves forward with the March 13th, 2018 oil and gas lease sale.</p>
<p>BLM Response: The BLM's leasing recommendations for lands in the Butte Field Office were developed during the preparation of the Butte Resource Management Plan which was a public process that involved public outreach including a meeting in Bozeman. The Livingston parcels (MTM 108952-FT, 4 tracts, MTM 108952-FU, 1 tract) have No Surface Occupancy stipulations for a variety of resource values along the Yellowstone River. Parcels farther from the river also have a range of protective stipulations as well. In the event a proposal for surface disturbance or an actual APD is received an Environmental Assessment will be developed which covers the site specific issues related to the actual proposal. In addition to comments received through this EA, this more detailed EA would cover the specific proposal for surface disturbance or APD. This process would incorporate additional opportunities for public involvement. See also response to Comment 55.</p>			
55	Park County Environmental Council	EA	<p>The BLM's evaluation of environmental justice is flawed because it Relies on County Data instead of City of Livingston Income Data. The BLM's analysis of environmental justice issues is flawed because it failed to account for the income level of residents in the City of Livingston. The City of Livingston faces the largest threat from oil</p>

Comment Number	Name	Comment Period	Comment Summary
			and gas leases in Park County due to the potential development in Area 14. The City of Livingston is the poorest city in the state of Montana and the City of Livingston would be the most directly impacted by development of Area 14. The BLM relies on County-wide income data for the purpose of justifying the lack of any environmental justice analysis. The BLM should take a second look at whether socio-economic considerations for the City of Livingston require a more in depth environmental justice analysis.
<p>BLM Response: The economic impacts of oil and gas exploration on Park County lands administered by the BLM were discussed in the BPRMP/FEIS. See Chapter 2, Alternatives: Management Concerns – Leasable Fluid Minerals (Oil and Gas) and Table 2.24 - Summary Comparison of Effects by Alternative, and Chapter 3, Affected Environment: Social and Economic Environment for Potentially Affected Industries for more information.</p> <p>Analyzing county-level population and income data provides sufficient detail to inform the management decisions needed for this EA.</p> <p>It is the policy of the Bureau of Land Management (BLM) to make mineral resources available for use and to encourage development of mineral resources to meet national, regional, and local needs. This policy is based on various laws, including the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976. The Federal Onshore Oil and Gas Leasing Reform Act of 1987 Sec. 5102(a)(b)(1)(A) directs the BLM to conduct quarterly oil and gas lease sales in each state whenever eligible lands are available for leasing.</p> <p>Research is inconclusive to draw conclusions of how the act of leasing the offered parcels in this sale will impact the sale price of a specific property on or adjoining one of these parcels.</p> <p>With split estate, ownership of a property’s mineral rights are severed from the surface estate. Since the mineral estate is dominant, those wishing to develop their minerals must be granted reasonable access to their minerals by surface land owners, and mineral and surface estate owners must negotiate a surface use agreement before any drilling can take place.</p> <p>After a lease has been issued no drilling operations or related surface disturbance can occur until the leaseholder submits an application for permit to drill (APD) to the BLM. The BLM will then preform a detailed site-specific analysis and provide conditions of approval (COA’s) for the activity that reflect necessary mitigation measures to comply with federal laws such as NEPA and ESA. (See the Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development - The Gold Book for a description of the land use rules lease operators must follow.) BLM will conduct onsite inspections to ensure full compliance with the COA’s after an APD has been approved. In addition a bond of no less than \$10,000 is required to ensure that the operator performs all obligations of the lease contract including plugging, surface reclamation, and cleanup of abandoned operations.</p> <p>Please visit https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/split-estate for more information on how the BLM administers federal mineral resources when the surface land is privately-owned. The brochure titles Split Estate Rights, Responsibilities, and Opportunities, found https://www.blm.gov/sites/blm.gov/files/documents/files/SplitEstate07.pdf, contains important and relevant information on this topic.</p>			

FONSI

Comment Number	Name	Comment Period	Comment Summary
56	Center for Biological Diversity	Scoping and EA	<p>BLM Must Prepare an Environmental Impact Statement BLM is required under NEPA to prepare an EIS to support this proposed project. This is especially true in light of the likelihood that fracking would occur on the leases. Several of these “significance factors” are implicated in the lease sale and clearly warrant the preparation of an EIS:</p> <p>1) The effects on the human environment will be highly controversial. A project is highly controversial when substantial questions are raised as to whether a project may cause significant degradation of a resource, or when there is a substantial dispute about the size, nature, or effect of the action. There is abundant evidence that hydraulic fracturing can cause significant impacts to human health, water resources, air quality, imperiled species, and seismicity. The level of controversy associated with fracking and its expansion in association with the lease sale is sufficient to trigger the need for an EIS. 40 C.F.R. § 1508.27(b)(4).</p> <p>2) The lease sale presents highly uncertain or unknown risks. 40 C.F.R. § 1508.27(b)(5). Preparation of an EIS is mandated where uncertainty maybe be resolved by further collection of data, or where the collection of such data may prevent speculation on potential effects. While it is clear that oil and gas activities can cause great harm, there remains much to be learned about the specific pathways through which harm may occur and the potential degree of harm that may result.</p> <p>3) The lease sale poses threats to public health and safety. The use of fracking fluid, which is likely to occur as a result of the lease sale, poses a major threat to public health and safety and therefore constitutes a significant impact.</p> <p>4) The action may adversely affect listed and agency sensitive species and their habitat. 40 C.F.R. § 1508.27(B)(9). Preliminary review of the proposed parcels indicates that six parcels (MTM 79010-JJ, MTM 79010-8R, MTM 105431-JW, MTM 108952-DU, MTM 108952-FT, and MTM 108952-FU) would allow oil and gas drilling, and associated infrastructure and increased human use, within five miles of designated critical habitat for the threatened Canada lynx. Another twenty-six parcels comprising 23972.27 acres, would affect designated habitat for the BLM-sensitive greater sage-grouse. Parcels parcels MTM 79010-8R, MTM 79010-JJ, and MTM 105431-HW also contain potential habitat for the Yellowstone cutthroat trout, a BLM Montana sensitive species.</p> <p>BLM Response: 40 CFR § 1508.9 provides that a Federal agency may prepare an Environmental Assessment to 1) briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact, 2) aid an agency’s compliance with the Act when no environmental impact statement is necessary, and 3) facilitate preparation of a statement when one is necessary.</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>This EA is tiered to the information and analysis and conforms to the decisions contained in the 2009 Record of Decision (ROD) and Butte Approved Resource Management Plan (BFO ARMP). The ROD and ARMP are in compliance with all Federal laws, regulations, and policy. The direct, indirect, and cumulative effects of oil and gas leasing across the Butte field office were evaluated in the FEIS for the ARMP.</p> <p>A discussion of oil and gas development including hydraulic fracturing, and effects on water resources was added to the EA. Refer to Section 3.3 and 3.8. Of the parcels cited in the comment, only 108952-FT and FU occur in the Butte Planning Area. The Livingston parcels (MTM 108952-FT, 4 parcels, MTM 108952-FU, 1 parcel) have No Surface Occupancy stipulations for a variety of resource values along the Yellowstone River. Parcels farther from the river also have arrange of protective stipulations as well. Refer to Comments 7, 12, 35, 36, 45, and 46.</p> <p>The Proposed Action would be to offer 9 lease parcels of Federal minerals for oil and gas leasing covering approximately 4,307 Federal mineral acres (670 acres BLM administered surface and 3,637 acres private surface) located in Park County. The responsible official will determine whether or not to offer oil and gas leases on the lease parcels identified, and, if so, identify stipulations that would be included with specific lease parcels at the time of lease sale. The decision would not authorize any ground disturbance. Upon receipt of an Application for a Permit to Drill (APD), the BLM would initiate a site-specific NEPA analysis with public review opportunities. The decision to offer these parcels for lease does not rise to the level of significant that would warrant preparation of an EIS. Refer the Draft FONSI.</p>

Mineral Leasing Act (MLA).

Comment Number	Name	Comment Period	Comment Summary
57	Wild Earth Guardians and Park County Environmental Council	EA	<p>The Proposed Leasing in the Billings and Butte FOs and the North Central Montana District Office Appears to Violate the Mineral Leasing Act.</p> <p>It does not appear that most of the lease parcels contain lands that are known or believed to contain oil or gas deposits. It does not appear that there is any intent of any lessee to diligently develop many of the proposed parcels.</p> <p>The Mineral Leasing Act allows leasing only where there are lands that are “known or believed to contain oil or gas deposits.” 30 U.S.C. § 226(a). The agency appears to have undertaken no such diligence in confirming whether the oil and gas industry’s supposed interest in the proposed lease parcels is rooted in the existence or believed existence of oil and gas deposits.</p> <p>The BLM cannot lease lands for oil and gas development if there is no intent to diligently develop. The agency confirmed this in a recent decision denying the issuance of an oil and gas lease to a lessee, explaining: A</p>

Comment Number	Name	Comment Period	Comment Summary
			<p>fundamental requirement of every oil and gas lease, as stated in Section 4 on page 3 of Form 3100-1, is the requirement that the “Lessee must exercise reasonable diligence in developing and producing, and must prevent unnecessary damage to, loss of, or waste of leased resources.” This diligent development requirement has its basis in the Mineral Leasing Act of 1920, as amended. See 30 U.S.C. § 187. Exhibit 21, BLM, Oil and Gas Noncompetitive Lease Offers Rejected (Oct. 18, 2016). Here, the BLM appears to explicitly acknowledge that there is no explicit intent to develop any of the proposed lease parcels.</p> <p>BLM Response: The method used to determine a potential Reasonably Foreseeable Development scenario for the lease sale is outlined in Section 3.2 of the EA. The 2009 BFO RMP and associated FEIS lists the proposed counties within a development potential, which demonstrates the presence of oil and gas deposits within the respective counties.</p> <p>Low development potential does not indicate the absence of oil and gas in the area. There are numerous factors that contribute to development potential in an area. As stated in Section 3.2 of the EA, "These well numbers are only an estimate based on historical drilling, geologic data, resource expertise, and current development in the area." Development potential can changed as factors change and influence development in the area one way or another.</p> <p>The Utah BLM decision to reject lease offers was based on Ms. Williams statements made to the media, which disclosed her intentions if the parcels were issued to her or Tempest Exploration. Ms. Williams intentions were in violation of the diligent development requirement in Form 3100-1, which required BLM to reject the offers. The CO State Office decision to not offer 20 parcels for the June 2017 lease sale was based on the parcel locations within low potential energy and reduced industry interest in the geographic area, as well as concern from local government and the public. The State Director wants to make sure the parcels are still appropriate for leasing. These lands are still considered open for oil and gas leasing unless determined closed for oil and gas leasing in the respective Field Office land use plan, and could be re-evaluated in a future lease sale. The Montana/Dakotas State Office is unaware of potential lessee intentions to violate the diligent development requirement.</p> <p>Leases are issued in accordance to Federal laws, regulations, and policy. The 2009 BFO ARMP did not designate the parcel lands under review as closed to oil and gas leasing; therefore, BFO applied the necessary RMP approved stipulations to the respective lease parcels, which include stipulations associated with resources and resource uses identified in the 2009 BFO ARMP. See Appendix A.</p>
58	Center for Biological Diversity	Scoping and EA	<p>BLM Must Ensure That the Federal Land Policy and Management Act and the Mineral Leasing Act Are Not Violated</p> <p>The MLA requires BLM to demand lessees take all reasonable measures to prevent the waste of natural gas. 30 U.S.C. § 225; see also id. § 187. Pursuant to FLPMA, BLM must “take any action necessary to prevent unnecessary or undue degradation of the [public] lands.” 43 U.S.C. § 1732(b).</p> <p>Greenhouse gas pollution for example causes “undue” degradation. Even if the activity causing the degradation may be “necessary,” where greenhouse gas pollution is avoidable, it is still “unnecessary” degradation. 43 U.S.C. § 1732(b).</p>

Comment Number	Name	Comment Period	Comment Summary
<p>BLM Response: A decision to offer parcels for lease would not cause unnecessary or undue degradation and is consistent with existing laws, regulations, and polices, including the Buttes ARMP, NEPA, MLA, and FLPMA. Upon receipt of an Application for a Permit to Drill (APD), the BLM would initiate a site-specific NEPA analysis with public review opportunities. Any conditions of approval for permits to drill, including measure necessary to prevent unnecessary and undue degradation, would be evaluated at the project level.</p>			